



# L A W S

OF

## NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the sixteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and one, and in the Twenty-sixth Year of the Independence of the said State.

1801.

BENJAMIN WILLIAMS, ESQUIRE, GOVERNOR.

### CHAP. I.

An Act for purchasing up the Principal of the Certificate Debt of North-Carolina.

**B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Public Treasurer for the time being, and he is hereby authorised, to purchase in for the use and benefit of the People of this State, after the first day of April next, the Principal of all the Certificates heretofore issued agreeably to the acts, and under the authority of the Legislature of North-Carolina, which shall be presented to him, on or before the first day of October next; those issued at Warrenton in the year one thousand seven hundred and eighty-six, those issued for services in the western country, and commonly called Chickamaga Certificates, and, in fine, all those at present not receivable at the Treasury Office, excepted; paying and giving for each pound of the principal of the Certificates, which shall be presented to him and purchased as aforesaid, not more than the sum of fifteen shillings, and granting to the vendor or holder, a Certificate or Certificates for the Interest which shall have accrued thereon up to the day of sale; which Certificates so to be granted as aforesaid for interest, shall pass at the Treasury in payment of lands entered, and shall be in all respects of the same value with the interest on certificates previous to the purchasing in the principal as aforesaid: *Provided nevertheless*, that if certificates of the description above mentioned shall be presented for sale, to such unexpected amount as shall exceed the sum of fifteen thousand pounds, and shall, in the opinion of the Treasurer, too nearly exhaust the public chest, then, and in such case, he shall be, and hereby is vested with discretionary power to purchase from each of the vendors or holders, in such proportion as in his opinion shall best tend to do equal justice to all.

Treasurer to purchase principal.

Time limited.

Exceptions.

At 15s. the l.

To grant a certificate for the interest.

Limit to purchases.

II. And be it further enacted, That such certificates as the Treasurer may issue for the interest on the principal of Certificates, as by this act directed, shall not bear any interest, and that the Treasurer insert the same on the face thereof.

Certificates for interest not to bear interest.

*Read three times, and ratified in General Assembly, }  
the 19th day of December, A. D. 1801.*

JOSEPH RIDDICK, S. Senate.

S. CABARRUS, S. House of Commons.

Copy,

WILL. WHITE, Secretary.

### CHAP. II.

An Act to amend the several Land Laws in this State.

WHEREAS by an act of the General Assembly of this State, passed in the year one thousand seven hundred and ninety-seven, all lands entered previous to the first day of January, one thousand seven hundred and ninety-eight, that may have been paid for as by law directed, and not surveyed and returned to the Secretary's Office by the first day of January, one thousand eight hundred and two, are declared null and void, which, in many instances, will tend to the great injury of many of the good citizens of this State: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all bona fide entries of lands made in this State, previous to the first day of January, one thousand seven hundred

Time for lands to be surveyed and entered.

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and ninety-eight, which have been paid for, shall have until the first day of December, one thousand eight hundred and two, to have said lands surveyed and returned into the Secretary's Office; and all such lands not surveyed and returned into the Secretary's Office by the day aforesaid, shall become void, and is hereby declared lapsed lands to the State, and may be thereafter entered by any person, as other vacant and unappropriated lands in this State.

If not perfected  
to lapse.

II. *And be it further enacted by the authority aforesaid,* That all such lands so surveyed and returned into the Secretary's Office, the claimants thereof shall cause the same to be perfected into grants, before the first day of January, one thousand eight hundred and four, otherwise the same shall become null and void, and are hereby declared to be lapsed lands to the State, and may be entered again as other vacant and unappropriated lands in this State.

Taking off  
timber.

And whereas many persons in this State enter vacant lands, and work the timber off the same, to their advantage, and never pay the purchase-money into the Treasury of the State, and then let the same lapse: For remedy of such abuses in future,

Forfeiture on  
persons using  
timber from off  
land.

III. *Be it enacted,* That from and after the passing of this act, that where any person hath entered, or shall hereafter enter any vacant lands in this State, and shall in any manner or way attempt to make use of any of the timber or growth on said lands, by himself or any other person for him, or by his permission, before he actually pays the purchase-money into the Treasury of the State for the same, such claimant or enterer shall forfeit and pay the sum of twenty pounds for every hundred acres so by him entered, and shall further forfeit all his right of entry to said land, and his entry shall become null and void, and any other person shall and may enter the same as other vacant and unappropriated lands in this State; and such last enterer shall and may have right to all and every advantage of the premises when by him entered and the purchase-money paid: *Provided,* nothing herein shall be construed to affect any entry of land made and settled on for the purpose of improvement by agriculture.

For making  
tar, &c.

IV. *And be it further enacted,* That every person who shall make use of the State's land, by making therefrom or thereon tar, turpentine, shingles, slaves, or cutting the timber off the same, before he shall have entered and paid for the same, every such person so offending, shall be liable to a fine of twenty pounds for each hundred acres by him or them entered, to be recovered in the county courts where such offence shall be committed. And it is hereby declared to be the duty of the County or State's Attorney, acting for said county, on information to him made, to bring suit for the recovery of said forfeiture for the use of the State.

Not less than  
50 acres to be  
entered.

V. *And be it further enacted,* That in all entries of land hereafter made, not less than fifty acres shall be entered, in an entry where there is so much vacant land adjoining the place or spot of land entered; and all entries made contrary to the intent and meaning of this act, the same is hereby declared null and void.

Purchase-mo-  
ney.

And whereas it may so happen, that some persons who have made entries of land in the year one thousand eight hundred, may not have it in their power to pay the purchase-money into the Treasury of this State by the first day of January, one thousand eight hundred and two, and thereby be injured by their entries lapsing: For relief of such persons,

Extension of  
time.

VI. *Be it enacted by the General Assembly of the State of North-Carolina,* That all claimants of entries of land made in the year one thousand eight hundred, who shall not have paid for the same before the expiration of the present year, shall have until the first day of December, one thousand eight hundred and two, to pay the purchase-money into the Treasury for the same; and all entries so paid for, are declared to be as good and valid in law, as if the same had been paid for in this present year. And the said entries shall, within two years after the said first day of December, one thousand eight hundred and two, perfect their entries by grant; and all entries not perfected by grant within the time aforesaid, shall be deemed lapsed, and shall revert to the State.

Suspension of  
Grants.

VII. *And be it further enacted,* That all suspensions of grants that have been granted, or shall hereafter be granted, by the Governor of the State, the person at whose instance such suspension may be granted, shall cause the same to be docketed in the court of the county where such land so suspended lies, within six months after the granting such suspension; and on failure thereof, the said suspension is hereby declared void; and the claimant of such suspended grant, on



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producing to the Secretary the Clerk's certificate that said suspension hath not been carried into effect, agreeable to the requisites of this act, the Secretary shall thereupon make out to such claimant a grant for the land so suspended.

CHAP. III.

An Act to fix an uniform Time for taking the List of Taxable Property throughout the State, and for the enforcing the Collection of Taxes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this Act, the last twenty working days in July in every year, be, and the same are hereby established as the time when the list of taxable property shall be taken in every county in the State.

Time for taking the list.

II. *And be it further enacted,* That at the respective Courts of Pleas and Quarter Sessions in each County, which shall first happen after the first day of April in every year, the Justices for taking the lists of taxable property shall be appointed, and the Clerks of the several Courts aforesaid, shall give notice thereof, with a list of the names of said Justices and of the Districts for which they were appointed, in the course of the term in which such appointments are made, by advertising the same at the Court-house: *And be it further enacted,* That the clerk shall issue notices of such appointments to the Sheriff of the county, who shall serve the same within ten days on the Justices so appointed, and it is hereby declared that it shall be the duty of the Justices so appointed to advertise in the District, at three different places, for which he is appointed, at least ten days before the days herein established for giving in the lists of taxables, the place whereat he will attend to receive the same; and if any Justice of the Peace so appointed, shall become incapable, die, or remove out of the county before the duties of his appointment shall be performed, then any three other Justices of the county (on notice of such death, incapability, or removal being given them in writing by the Sheriff,) may, and they are hereby authorized and required to appoint some other Justice of the Peace to perform the duties of the person so becoming incapable, dying, or removing out of the County.

Justices appointed for taking lists.

Duty of clerk, sheriff and justices.

What to be done when justices incapable, &c.

III. *And be it further enacted,* That the Justices appointed as aforesaid shall, and it is hereby declared to be their duty, to deliver to the Constables of their respective districts, for which they are appointed, within five days after the time herein before established, a copy of the names of the persons who have given in their lists of taxables, together with a warrant directed to the said Constable, commanding him to make diligent enquiry for, and to summon every person in his district, liable to pay public taxes, and who had failed to make return on the days herein prescribed, to appear before such Justice within ten days, and make return of his list of taxables: And the Constable shall have and receive for the service of said Warrant, and making return of the same, with the names of such persons as he shall have summoned, thereon, annexed to, or endorsed on said warrant, the sum of two shillings for each and every person by him so summoned and returned, and the said Constable is hereby empowered to demand and receive the same: *Provided always,* That on every return so to be made by the Constable, the Justice shall administer to him an oath, in the following form, to wit: "You, A. B. do solemnly swear, that the persons, whose names you have returned on this warrant, are inhabitants of the district for which you are appointed Constable, and are liable to pay taxes to the best of your knowledge and belief: and that you have duly summoned each and every of them, agreeable to the directions of this warrant: So help you God."

Justices to deliver in names.

Constables duty.

Constable's oath.

IV. *Be it further enacted,* That all and every person or persons whose names are so returned, who shall fail to deliver, or cause to be delivered to the Justice appointed for the district, his list of taxable property within the ten days aforesaid, shall forfeit and pay a twofold tax on his own poll, and on all and every article of taxable property he possessed, in the county wherein he resides, or in any other county where he fails to give in, on the first day of April preceding; sickness or some unavoidable accident excepted, which if offered as an excuse to the Court of the County, may by them be judged of. And every Constable who shall neglect or refuse to perform the duties by this act required, shall forfeit and pay the Sum of Twenty Pounds for every neglect or refusal, to be recovered by the Treasurer or Trustee of the County, for the use of the County, before any jurisdiction having cognizance thereof.

Twofold tax.

Forfeiture for neglect.

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Justice to make  
return to court.And clerks to  
the comptroller

V. *And be it further enacted*, That at the Court which shall happen first after the expiration of the term of ten days aforesaid, every Justice appointed as aforesaid, shall make return of the lists by him so taken, and also a return of the names of such persons who are liable to pay the twofold tax aforesaid, agreeable to the Constable's return, and also the name of the Constable by him employed; and it shall hereafter be the duty of the Clerks of the several County Courts, to make return to the Comptroller of the list of delinquents returned by the Justice, at the same time, and under the same regulations that he is now directed by law to make return of the list of taxable property.

Non-residents.

VI. *And be it further enacted*, That all property in the several Counties liable to pay a tax, the owners whereof are not residents in the County where the same is situated, and which shall not be returned to the Justice within the time herein limited for making his return, shall be liable to pay a twofold tax, and it is hereby declared to be the duty of the Justices appointed as prescribed in this act, to make return of a list of such property and the owner's names thereof, at the time hereinbefore limited for making his return, so far as he shall have knowledge of the same.

Clerk's duty.

Time of col-  
lection, &c.Forfeiture on  
sheriff's neg-  
lect.

Constable's fee.

VII. *And be it further enacted*, That the Clerks of the several county courts shall, within twenty days after the Justices have made their returns, issue to the Sheriff of the County, on application, an accurate copy of the returns made by the Justices as aforesaid, and on failure to issue the copy as aforesaid, each and every clerk so failing, shall forfeit and pay the sum of twenty pounds, to be recovered before any jurisdiction having cognizance thereof; and it shall be the duty of the Sheriff to bring suit for the same, and recover it to the use of the County, and the respective Sheriffs shall proceed, after the first day of March, in every year, to collect the taxes, and shall compleat the collection of, and account for the same with the Public Treasurer, on or before the first day of October in every year: And if any Sheriff shall fail to levy and collect any twofold tax incurred by an infringement of this act, such Sheriff so failing, shall forfeit and be charged by the Comptroller with the full amount of the twofold taxes so by him neglected to be collected. And it shall be the duty of the Sheriffs to collect the Constable's fee of two shillings in every case when the person incurring the forfeiture has been summoned as is by this act directed; or have not given in during the term prescribed in the first section of this act, and to account with the Constable to whom the said fees are coming, for every fee by him the said Sheriff so collected; unless such person shall produce to the Sheriff the Constable's receipt for the same.

Persons about  
to remove.

VIII. *And be it further enacted*, That whenever the Sheriff of any County shall have reason to suspect, that any person whose name may be on the list of taxable property returned as aforesaid, by the Justice appointed to take the list, is about to remove him or herself, or property, out of the County, to avoid the payment of taxes, the Sheriff shall have power to proceed to levy and collect the tax due from such person immediately, any law to the contrary notwithstanding: *Provided*, such Sheriff shall first make oath before some Justice of his County, that he has just reason to believe such person is about to remove him or herself, or property, out of the County, before the time of the payment of his or her taxes shall arrive, and obtain a certificate from such Justice to that effect.

## CHAP. IV.

An Act directing the manner in which the Confiscated Lands shall in future be disposed of.

Commissioners  
to be appointed

Their duty.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Judges of the Superior Courts of Law and Equity in this State, at the first courts they shall attend, to appoint some proper person in each district in this State, Commissioner of confiscated lands, whose duty it shall be immediately to search for, demand and receive, all confiscated lands, and sell at public sale all that have not been legally sold by the Trustees of the University, or former Commissioners; and if any person or persons holding any confiscated lands, shall refuse to give up the same, the Commissioners appointed as aforesaid, are hereby vested with full power and authority to sue for and recover the same, under the direction of one of the law-offi-



cers of the State, in any court having cognizance thereof, for the use of the State, as herein after directed. 1801.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners, when so appointed, shall, before they enter on the duties of their office, give bond with approved security to the court, in such sum as the court shall direct, for the faithful discharge of their duty, and shall take the following oath, or affirmation, viz: "I, A. B. Commissioner of confiscated lands for the district of do solemnly and sincerely swear (or affirm) that, as Commissioner of said district, I will discharge my duty to the best of my knowledge and ability: So help me God." To give bond.  
Their oath.

III. *And be it further enacted,* That it shall be the duty of said Commissioners to account with the Public Treasurer annually, for monies by them collected in consequence of their appointment, in the same manner, and under the same rules, regulations and restrictions as Sheriffs of this State are bound by law to do, and shall be liable to the same fines and forfeitures as Sheriffs are. To account with the Treasurer.

IV. *And be it further enacted,* That the said Commissioners shall be allowed ten per cent. on all monies by them collected and paid into the Public Treasury, to be allowed and paid by the Treasurer on settlement of their accounts, who shall be allowed the same in settlement of his accounts. And if any Commissioner, appointed as aforesaid, shall refuse to act, die, or remove out of the district for which he was appointed, it shall be the duty of the Judge attending the succeeding court of said district where such vacancy shall have happened, to appoint another, in the same manner as the first. Their allowance, &c.

#### CHAP. V.

An Act to raise a Revenue for the payment of the Civil List, and contingent Charges of the Government, for the year one thousand eight hundred and two.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the year one thousand eight hundred and two, a tax of eight-pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town-lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for, in the same manner as directed by the several acts of Assembly in such case made and provided. Taxes on land, town-lots and polls.

II. *And be it further enacted,* That a tax on all stud-horses and jack-asses within this State, of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask and receive for the season of one mare, shall be levied, collected and accounted for, in the same manner as such taxes have been heretofore levied, collected and accounted for. On stud-horses, &c.

III. *And be it further enacted,* That all free males between the ages of twenty-one and fifty years; and all slaves between the ages of twelve and fifty years, shall be subject to pay a poll-tax. What polls are taxable.

IV. *And be it further enacted,* That after the passing of this act, that any person applying to any of the Clerks of the Superior or County Courts, or Clerks and Masters in Chancery, for any writ or writs, before obtaining the same, they shall pay to the Clerk of whom it is demanded, the public tax-fee that is now payable by law; and the Clerks shall account for them in the same manner as is by law required of them: Which public tax-fee the party plaintiff, on recovering a judgment, shall have taxed for his benefit in the bill of costs: And that so much of the third section of the act of 1784, as requires the tax-fees to be paid at the time the suit is ended, shall be repealed and made void. Tax on writs.  
Part of act of 1784 repealed.

V. *And be it further enacted,* That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first obtain a licence from the Clerk of some county in this State, under his seal of office; and the person so peddling and hawking, shall pay to the Clerk, before obtaining said licence, the sum of ten pounds to the use of the State, to be accounted for by the Clerk in the same manner as tax-fees are accounted for; and any licence so obtained, shall authorise said pedlar to peddle and hawk goods in any and every county in this State for the term of one year. And if any person shall peddle or hawk goods in any county of this State without said licence, he shall forfeit and pay the sum of twenty pounds, to be recovered by the Sheriff of the county in which he shall so peddle, before any Justice of the Peace, in the name of the Governor, one half to the use of the said Sheriff, and the other half to the use of the State. On hawkers & pedlars.  
Forfeiture.

VI. *And be it further enacted,* That no Sinking Fund Tax shall be collected for the year one thousand eight hundred and two. No sinking-fund tax.

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## CHAP. VI.

An Act to prescribe the punishment for Forgery, in certain cases.

Writings de-  
scribed.

Punishment for  
first offence.

For second.

Act 5th Eliz.  
declared void.

All other acts  
repealed.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of April next, if any person or persons, of their own head and imagination, or by false conspiracy or fraud with others, shall wittingly and falsely forge or make, or shall cause or wittingly assent to be forged or made, or shall shew forth in evidence knowing the same to be forged, any deed, lease or will, or any bond, writing obligatory, bill of exchange, promissory note, endorsement or assignment thereof, or any acquittance or receipt for money or goods, or any receipt or release for any bond, note, bill, or any other security for the payment of money, or any order for the payment of money or delivery of goods, with intent, in either or any of the said instances, to defraud any person or corporation, and shall thereof be convicted, in any of the superior courts of law in this State, such person so offending shall, for the first offence, be adjudged to stand in the pillory one hour, and receive thirty-nine lashes on his bare back, and be imprisoned not less than six months, and fined at the discretion of the court; and for the second offence, shall, on conviction, suffer death without benefit of clergy.

And whereas doubts have arisen whether an act passed in the fifth year of the reign of Elizabeth, entitled, "An act against forgers of false deeds and writings," is now in force,

II. *Be it enacted,* That the said act, and every part thereof, is hereby declared to be of no force or effect within this State.

III. *And be it further enacted,* That all acts and clauses of acts coming within the meaning and purview of this act, and contrary to the intent and meaning thereof, are hereby repealed and made void.

## CHAP. VII.

An Act directing the appointment of Escheators, and prescribing their duty in certain cases.

Superior courts  
to appoint Li-  
cheators.

Their bond.

Escheator's  
duty.

Actions of  
ejectment.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the several Superior Courts within this State, at the court which shall first happen after the first day of March next, to nominate and appoint some fit person to be Escheator in each and every district, who shall give bond with sufficient security, to be approved of by the court, in the sum of three thousand pounds, payable to the Governor for the time being, and his successors in office, for the due and faithful performance of his duty.

II. *And be it further enacted by the authority aforesaid,* That when any Escheator shall have information of any land having escheated within his district, he shall and may bring an action of ejectment, on the part of the State, against the person or persons in possession of the same, returnable to the Superior Court of the district where the land lieth, upon which the same proceedings shall be had as in other cases of ejectments; but where no person shall be in possession, it shall be the duty of the Escheator to seize the said lands for the use of the State, and shall cause the same to be sold at public sale, on a credit of one year for one moiety, and two years thereafter for the other moiety, for the most that may be gotten for the same; first giving four months notice by advertisement in the *Raleigh Register*, or in any gazette published in the district where the land lieth, and by advertisements to be stuck up at the court-house of the said district, and at each of the other court-houses within the same. And if any person should lay claim to the said land previous to the sale thereof, he shall notify the same to the Escheator, who shall, at the next succeeding court of the district, cause an issue to be made up between the State and the person so claiming the lands aforesaid, and a jury shall be impannelled to try the same, subject to the same rules and regulations as are practised in the trial of other suits at law.

III. *And be it further enacted by the authority aforesaid,* That when there shall be a judgment for the State in any action of ejectment, or other action for escheated lands, it shall be the duty of the Escheator to sell the same at public vendue; first giving forty days notice by advertisements to be stuck up at the court-house, and four other public places in the county where the said lands may lie, and for all sales made under this act, he shall give the credit aforesaid, and take from the purchasers bond and approved security for the purchase-money, payable to himself for the use of the State. And immediately after the expiration of the time for which credit was given, he shall proceed to collect the same, and the



same being collected, shall transmit the amount thereof to the Treasurer of this State, first deducting ten per cent. for his commissions on the same.

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IV. *And be it further enacted by the authority aforesaid,* That for any proper charge which may accrue in affecting the objects of this act, the Escheator may grant a certificate, or countersign the account for the same, and the same shall then be paid by the Treasurer out of any funds which may arise in consequence of the passing of this act. And it shall be the duty of the said Escheator, and he is hereby required to make annually a settlement with the Treasurer, and account with and pay to him the monies which he may have received; and shall also, in the same manner, make and return to the Comptroller, a statement of the bonds which he has taken from purchasers of escheated lands, and which still remain in his hands for collection.

Charges how to be paid.

To make annual settlements.

V. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any Sheriff in this State to sell any escheated lands for taxes; and all such sales in future, are hereby declared illegal and of no effect.

Sheriff not to sell for taxes.

VI. *And be it further enacted,* That no person shall be appointed an Escheator who is not a citizen of this State or of the United States, or who was not a resident in this country previous to the revolutionary war.

Persons not to be Escheators.

VII. *And be it further enacted,* That all acts and clauses of acts coming within the purview of this act, and contrary to the intent and meaning thereof, are hereby declared to be null and void.

Former acts repealed.

## CHAP. VIII.

An Act to authorize the Trustees of the University to raise Money by way of Lottery,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the Board of Trustees of the University of North-Carolina, shall be, and it is hereby declared to be vested with full power and authority to raise annually, by one or more lottery or lotteries, a sum of money not exceeding two thousand pounds, by such scheme or schemes as the said Board shall and may from time to time establish.

Not to exceed 2000l. a year.

II. *And be it further enacted,* That the said Board shall have, and it is hereby declared to have, full power to appoint, from time to time, Commissioners to manage such lottery or lotteries as shall be established, and to make such rules and regulations, either respecting the sale of tickets, or the payment of prizes, or for any other purpose necessary to carry into effect such scheme or schemes as may be established, as the said Board from time to time shall deem proper and necessary, any law, usage or custom to the contrary notwithstanding.

Power to appoint commissioners.

## CHAP. IX.

An Act to amend the Militia Law passed in the year one thousand eight hundred.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all persons who are liable to do militia duty, and who shall appear at any muster with a musket, rifle, or smooth-bored gun, shall be exempted from all fines and penalties that would have attached for want of equipment under the former militia law: *Provided,* that at general musters and reviews, they shall appear also with a cartridge-box, or shot-bag and powder-horn.

Exemptions from fines.

II. *And be it further enacted,* That every officer shall be armed with a sword or esponton.

Officers.

III. *And be it further enacted,* That from and after the passing of this act, the Brigadier-Generals within this State, shall give to their Commanding Officers of Regiments or Corps, at least thirty days previous notice of reviews and general musters.

30 days notice of reviews, &amp;c.

IV. *And be it further enacted,* That the several Major-Generals within this State shall review their respective divisions once in three years, under the same penalties as are prescribed in the before recited act.

Major-Generals to review.

V. *And be it further enacted,* That every Captain or Commanding Officer of a Company, shall once in every three months call together and exercise his Company under the same rules as are prescribed by law.

Captains to exercise their men.

VI. *And be it further enacted,* That the sixteenth section of the before recited act be, and the same is hereby repealed and made void.

16th section of former act repealed.

VII. *And be it further enacted,* That so much of the before recited act as respects the appointment of Brigade-Inspectors be, and the same is hereby repealed.

Brigade-Inspectors done away.

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Volunteer  
Companies.Former acts  
repealed.

VIII. *And be it further enacted*, That no Volunteer Company that does not exceed, at this time, seventy in number, shall not hereafter exceed that number, exclusive of officers, any law to the contrary notwithstanding.

IX. *And be it further enacted*, That all acts and clauses of acts that come within the purview and meaning of this act be, and the same are hereby repealed and made void.

## CHAP. X.

An Act to amend an act passed at Hillsborough, in the year one thousand seven hundred and eighty-two, for establishing Courts of Equity, and to regulate the proceedings in appeals from the several Courts of Pleas and Quarter Sessions, to the Superior Courts of Law.

Preamble.

WHEREAS the present method of reviving suits in Equity, where any of the parties thereto have died since their commencement, by bill of revivor, is productive of delay, inconvenience and unnecessary expence to suitors: For remedy whereof,

Mode of pro-  
cedure.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That where the defendant or defendants, in any cause now depending, or hereafter to depend, in any of the Courts of Equity within this State, shall die after the service of a copy of the complainant's bill and subpoena, that it shall and may be lawful, on suggesting the death of such defendant or defendants, to issue a scire facias against the legal representatives of such deceased person or persons, in the same manner and under the same rules, regulations and restrictions, as are used in suits at common law, and service of such writ on the legal representatives, shall be as effectual and valid to revive and carry on such suit, as if a bill of revivor had been filed against them, and they served with a copy thereof.

Legal repre-  
sentatives to  
carry on suit.

II. *And be it further enacted*, That whenever a party complainant in any suit in Equity shall die after filing of the bill, it shall and may be lawful for the legal representatives of such deceased person to carry on such suit: *Provided*, application to that effect be made by such representatives, to the court in which such suit may depend, at or before the second term after the decease of such party, and not thereafter.

What papers  
may be en-  
rolled.

III. *And be it further enacted*, That in future, no bill, answer, or other paper or proceeding, in any suit in any Court of Equity in this State (interlocutory decrees excepted) shall be enrolled, until the cause is finally decreed on, and then only upon motion by the party to take benefit by such decree; and the court shall have power, and are hereby directed to adjudge and determine what papers shall and may be enrolled in any suit, on motion as aforesaid.

Appeals.

And whereas plaintiffs in suits brought in the Courts of Pleas and Quarter Sessions, frequently appeal to the Superior Courts of Law for the purpose of harassing and oppressing the defendants, by an accumulation of costs and expences: For remedy whereof,

Costs how to  
be paid, &c.

IV. *Be it enacted by the authority aforesaid*, That whenever any plaintiff shall appeal from the judgment of any Court of Pleas and Quarter Sessions in this State to the Superior Court of Law for the district in which such county may be, and shall not recover more in such Superior Court than he, she or they did in the County Court, he, she or they so appealing, shall not recover their costs which may accrue on such appeal, but may, at the discretion of the Superior Court before which such appeal shall be tried, be adjudged and made liable to pay the costs thereof. And where a defendant or defendants in any action of debt, covenant or assumpsit, shall appeal from the judgment of any Court of Pleas and Quarter Sessions to the Superior Court of Law, and shall not, on the trial of such appeal, diminish the sum recovered by the plaintiff in the County Court, the party so appealing shall be compelled to pay to the plaintiff the sum of ten per cent. to be computed from the time of rendering judgment in the County Court, to the time of entering up judgment in the Superior Court, and the lawful rate per cent. from that time, till the whole debt shall be fully paid and satisfied.

Interest, &amp;c.

## CHAP. XI.

An Act to direct the descent of Real Estates, in certain cases.

Preamble.

WHEREAS it is contrary to the true policy of this Government, that lands should escheat to the State through failure of blood, where any relations of the ancestor exist, who in any case might, or in justice ought, to inherit the estate:



*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That where any person shall die seized of real estate of inheritance in this State, leaving no person who can claim as heir to him, but leaving a widow, that the widow in such case shall be esteemed as heir to her husband, and inherit his estate as such. 1801.  
Where no heir, widow to be heir.

II. *And be it further enacted,* That where any person shall die seized of real estate of inheritance in this State, leaving descendants or other relations, citizens of the United States, who would according to law inherit, were all other nearer descendants or relations extinct, but who, according to the now existing laws, cannot inherit, because there may be others who, if citizens, would be entitled to inherit, but being aliens, cannot hold lands in this State, whereby such estate would escheat; in such case, the nearest descendant or relation of the deceased, being a citizen of the United States, shall inherit. Descent where aliens are concerned.

III. *And be it further enacted,* That this act shall have operation upon all estates which at present would be liable to escheat, which have not been reduced into actual possession by the State, or those claiming under it, in right of escheat, any law to the contrary notwithstanding. Its operation.

#### CHAP. XII.

An Act to continue longer in force, and to amend an act passed in the year one thousand seven hundred and ninety-nine, entitled "An act directing the Judges of the Superior Courts to meet together to settle questions of Law or Equity arising on the circuit, and to provide for the trial of all persons concerned in certain frauds."

WHEREAS the afore-recited act, in its provisions directing the Judges of the Superior Courts to meet together for the purpose of determining all questions of Law or Equity arising and remaining undetermined upon the circuit, has been found highly salutary and beneficial; and whereas the time of limitation of said act is soon to expire, and it appears to this General Assembly necessary that the same should be continued longer in force: Preamble.

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said act, so far as it regards the meeting together of the said Judges for the purposes aforesaid, be, and the same is hereby continued in force for three years longer; and the said meeting of the Judges shall be known by the name and stile of "The Court of Conference;" and the same shall be and continue for the time last aforesaid, under the same rules, regulations and restrictions, as are provided in and by the said recited act, except as is otherwise provided in this act. Continued for three years.

II. *And be it further enacted by the authority aforesaid,* That the Judges of the said Court of Conference hereafter may and shall have power to sit at each and every term of the said Court, as long, not exceeding fifteen days (Sundays excepted) as the business of said Court shall require. To sit not exceeding 15 days.

III. *And be it further enacted,* That no Attorney shall be allowed to speak, or admitted as Council in the aforesaid Court. Attorneys not to plead.

IV. *And be it further enacted,* That it shall be the duty of the Clerk of the said Court to permit any persons to search the records of his office, and give and make out copies of the same, to any person applying, for which he shall be entitled to the same fees as the Clerks of the Superior Courts of this State; and on failure or refusal, the aforesaid Clerk shall be liable to the same penalties as are in such cases prescribed for the Clerks of the Superior Courts. Records to be searched.

#### CHAP. XIII.

An Act to amend an act, entitled "An act to regulate and ascertain the several Officers' Fees therein mentioned, and for altering the time of holding the Superior Courts of Law and Equity for the district therein mentioned," passed at Newbern, in the year one thousand seven hundred and eighty-four.

WHEREAS the said act does not authorise the succeeding Sheriffs to execute and perfect deeds of bargain and sale for lands sold for taxes by their predecessors: Preamble.

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That where any Sheriff has sold, or shall hereafter sell lands for the taxes due thereon, agreeable to law, and who has died, or may die or remove, or be out of office, before a deed or deeds have been executed for the same, that it shall be lawful for their successors in office to make and execute a deed or deeds to the person or persons purchasing the same, if it shall appear the sale was bona fide made: *Provided always,* that before any deed or deeds shall be executed by the Sheriff to the person or persons so claiming as purchasers of the land aforesaid, shall produce to the Court of the Sheriffs' successors in office to execute deeds, &c.  
On producing certain things.

County in which such lands may lie, the receipt of the deceased Sheriff for the purchase-money, and shall also produce such other testimony to shew that they had well and truly purchased and paid for the said lands, as may by the said Court be deemed satisfactory; and shall also make it appear, that they have surveyed the same, and registered a plat thereof, agreeably to act of Assembly in such case made and provided, and also that they have paid the lawful taxes on said lands: On which proof, the said Court may issue an order directing the Sheriff to make and execute titles for the same; and all deeds made and executed contrary to the provisions of this act, shall be, and are hereby declared to be null and void.

## CHAP. XIV.

An Act to amend an act, entitled "An act to amend the several acts of Assembly now in force in this State, which respect the entering and obtaining titles for lands," passed in the year one thousand seven hundred and ninety-eight,

3d section act  
1798 repealed.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the third section of said law, declaring that henceforward no duplicate warrant for lands shall be issued, but on application by petition to the General Assembly, be, and the same is hereby repealed: And that in future, the third section of an act of the General Assembly, passed in the year one thousand seven hundred and ninety-six, entitled "An act to remedy certain inconveniencies arising under the present laws," be established as the only and legal mode to obtain duplicate land warrants: *Provided*, that seven acting Justices shall be present in Court at the time such duplicate warrant may be obtained.

And 3d section  
of act of 1796  
is in force.

Seven justices  
to be present.

## CHAP. XV.

An Act to repeal the fourth section of an act of the last General Assembly, entitled "An act to amend an act, entitled An act to perfect the titles of the Officers and Soldiers of the continental line of this State, and of claimants under entries made in the office of John Armstrong, and other purposes therein mentioned."

4th section of  
former act re-  
pealed.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the fourth section of the above recited act be, and the same is hereby repealed and made void.

Claims wher-  
by barred.

II. *And be it further enacted,* That all claims for lands by the Officers and Soldiers of the continental line of this State, during the revolutionary war with Great-Britain, and all demands for the same, which shall not be applied for and received, either by the person who performed the service, his heirs or assigns, before the first day of January, one thousand eight hundred and three, shall be for ever thereafter barred; and no military land warrant shall issue after the time aforesaid on any account whatever, any law, usage, or custom to the contrary notwithstanding.

2d section to be  
published.

III. *And be it further enacted,* That the second section of this act shall be published for two months in the State Gazette.

## CHAP. XVI.

An Act to amend an act, entitled "An act directing the method of electing Members of the General Assembly, and other purposes," passed in the year one thousand seven hundred and seventy-seven.

14th sec. recited  
act repealed.

*BE it enacted by the General Assembly of the State of North-Carolina,* That the fourteenth section of said act be, and is hereby repealed.

Oaths taken.

II. *Be it further enacted,* That every person elected a Member of the General Assembly, shall, before taking his seat therein, take the oath of allegiance appointed for the qualification of Members of the General Assembly and Public Officers, and also the oath to support the Constitution of the United States. And if any person elected a Member of the General Assembly shall, by himself or any other person, directly or indirectly, give, or cause to be given, any gift, gratuity, reward or present whatsoever; or give, or cause to be given, by himself or any other person, any treat or entertainment, either by himself or any other person for him, of meat or drink, at any public meeting or collection of the people, to any person or persons whatever, for his or their vote or votes, or to influence him or them in his election, every person violating this act, shall, on due proof thereof, be expelled from his seat in the General Assembly.

Causes of ex-  
pulsion.

III. *Be it further enacted,* That if any person or persons shall treat with either meat or drink, on any day of election, or any day previous thereto, with an intent to influence the election, every person so offending shall forfeit and pay the sum of one hundred pounds, the one half for the use of the county where the same

Forfeiture for  
treating.



shall be recovered, to be paid to the County Trustee; the other half to the use of the person who shall sue for the same: To be recovered by action of debt in any court of record having cognizance thereof, with costs.

1801.

IV. *And be it further enacted*, That it shall be the duty of the Sheriffs, in each and every county in this State, annually to publish this act, by advertising and reading the same at the Court-house door, on the first and second days of the County Court which shall happen previous to the annual election, and also on the different days of election, under the penalty of twenty pounds for each and every neglect.

Sheriffs to publish this act.

## CHAP. XVII.

An Act to amend the several acts of the General Assembly of this State to prevent excessive Gaming.

WHEREAS the aforesaid acts have not had the effect thereby intended: Therefore,

*BE it enacted by the General Assembly of the State of North-Carolina*, That from and after the passing of this act, if any tavern-keeper, ordinary-keeper, or keeper of a house of entertainment, shall suffer any of the games mentioned in the aforesaid acts to be played in his or her dwelling-house, or any outhouse, or on any part of the premises whereon he or she lives; or shall furnish such persons with drink, or any thing for their comfort and subsistence during their time of playing, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not less than five pounds. And every person playing at any of the said games, in manner above described, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not less than five pounds.

Tavern-keepers fines, &amp;c.

## CHAP. XVIII.

An Act to amend an act for the more regular collecting payment of, and accounting for the Public Tax, passed in the year 1784.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Treasurer, within thirty days after his annual election, shall give bond and security, payable to the Governor, sufficient to secure the amount which shall then be in the Treasury, together with the probable receipts for the year for which he shall be elected; which bond shall be conditioned for his faithfully accounting for the public money of the State, and for his performing the several duties appertaining to the office of Public Treasurer.

Treasurer to give bond.

II. *And be it further enacted*, That the bond so given, together with a certificate that the said Treasurer has taken the oath of office prescribed by law, shall be filed in the office of the Comptroller, on which suit may be brought and judgment had, in the same manner and under the same rules and regulations as have been, or shall be prescribed for entering up judgments against the several Sheriffs of this State.

To be filed, &amp;c.

## CHAP. XIX.

An Act to amend the nineteenth section of an act, entitled "An act for the better care of Orphans, and security and management of their Estates."

WHEREAS great abuses frequently happen to children of colour who are bound by the County Courts, by the master or mistress removing from the county where such children are bound, or by taking them to some distant place, and there selling them to some person to serve the remainder of their time, or as slaves; and such child or children having no friend to apply to in their behalf for justice to be done them, they are often held or disposed of as slaves: To prevent such evil and pernicious practices in future, therefore,

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina*, That when any County Court in this State shall bind any orphan, or base born child of colour, they shall be authorized and directed to take bond, with sufficient security, in the sum of two hundred and fifty pounds, from the master or mistress, that they shall not remove such child out of the county where he or she was bound, and to produce him or her before such Court, at any time when the said Court may require it, and also to produce such person at the expiration of the time of his or her service; and on failure thereof, the Chairman of the Court shall, and he is hereby required to bring suit against such persons on said bond, for the benefit and use of the person bound to serve as aforesaid.

Master to give bond.

1801.

Courts to call  
on Master for  
security.

II. *And be it further enacted*, That the several County Courts in this State are hereby authorized and required to call on all masters and mistresses to whom any persons of colour hath heretofore been bound by the said Court, whose time of service is not expired, to give sufficient security, in the sum of two hundred and fifty pounds, to produce such person or apprentice before them, and not to remove him or her out of said county; and on failure thereof, the Chairman of said Court is hereby required and directed to commence suit for the recovery thereof, for the use and benefit of the person so bound to service.

Persons failing  
to appear, &c.

Not to extend  
to certain cases.

III. *And be it further enacted*, That if any person to whom any child of colour hath heretofore been bound, and whose time of service is not expired, shall fail, refuse or neglect, on notice from the Court to appear and give security as aforesaid, it shall be the duty of the Court, and they are hereby required to bind such person of colour to some proper person until he or she shall arrive to full age, any law, usage or custom to the contrary notwithstanding: *Provided nevertheless*, that nothing in this act contained shall subject any seafaring person to the penalties herein mentioned to whom any person shall be bound in pursuance of this act, if he can make it appear that the person so bound to him died on a voyage, without the limits of the county, or deserted from his service, so that he could not again procure him for the purpose of complying with the condition of the bond.

## CHAP. XX.

*An Act to compel persons who are permitted to have their Slaves liberated, to give bond and security for keeping such Slaves from becoming a public or county charge, and other purposes.*

Preamble.

WHEREAS it has been represented to this General Assembly, it frequently happens that slaves or negroes emancipated by their owners, become a county charge: For remedy whereof,

Persons liberating  
slaves to  
give bond, &c.

Penalty for neglect.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all persons who are permitted to liberate their slaves or negroes, either by an act of the General Assembly, or by the County Courts within this State, it shall be their express duty to enter into bond in the sum of one hundred pounds for each slave so liberated, with approved security; which bond shall be made payable to the Chairman of the Court and his successors, for the use of the poor of the County in which the slave or negro may reside, that such slave or negro shall not become chargeable on the parish or county previous to his having the same effected; and every person or persons who shall fail for six months after the said slave or slaves shall be so set free, to enter into bond and security as above directed, shall forfeit and pay the sum of three hundred pounds to the Wardens of the Poor of the county, for the benefit of the poor of the county in which such slave or slaves shall be so liberated, to be recovered by an action of debt in any Court having cognizance of the same.

Slaves of persons  
about to  
remove.

II. *And be it further enacted*, That the Wardens of the Poor in the several counties in this State, or any one of them, shall have power and authority, on application to them made that any person or persons are about to remove themselves out of the county, and have any slave or slaves that are likely to become a county charge, to issue their or his warrant to bring such person or persons before him or them, and take such security by bond as may be deemed sufficient to indemnify the parish or county; which bond shall be made payable to the Chairman of the County Court and his successors. And in case such person or persons shall refuse to give bond as is herein directed, he shall have power and authority to commit the said person or persons, and keep him or them committed until he or they shall enter into such bonds, or remove the slave or slaves so about to be left, without the limits of the county, any law, usage or custom to the contrary notwithstanding.

## CHAP. XXI.

*An Act to amend an act, entitled "An act to amend an act, entitled An act to prevent Thefts and Robberies by Slaves, Free Negroes or Mulattoes, and to amend an act, entitled An act to prevent the wilful and malicious killing of Slaves."*

Preamble.

WHEREAS doubts have arisen under the construction of the third section of the above recited act, whether persons can be convicted and properly punished: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any person shall hereafter



be guilty of feloniously, wilfully and maliciously killing any slave, such offender, upon conviction thereof, on being arraigned stands mute, or challenge peremptorily more than thirty-five jurors, shall suffer death without benefit of clergy. 1801.  
Punishment for  
killing a slave.

## CHAP. XXII.

An Act to continue in force for a longer time, an act entitled "An act for the relief of non-commissioned Officers and Soldiers of the Continental Line and Militia of this State, who have been disabled in the service of the United States or of this State, during the late war, and who are not placed on the pension-list of the United States, and are barred by the act of limitation passed in the year one thousand seven hundred and ninety-nine.

WHEREAS it is represented to this General Assembly, that some of the persons who came within the description and meaning of the above-recited act, have, from want of due knowledge thereof, failed to make application for the purpose of being put on the pension-list as therein prescribed: For remedy whereof, Preamble.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said above-recited act be, and the same is hereby continued in force for the term of one year, from the rising of the present General Assembly; and that all such persons as shall, within the said term, obtain from any of the Judges of the Superior Courts, a certificate as is directed and required by the said act, shall be entitled to receive the same allowance as he would have been entitled to receive had he so applied and obtained such certificate within the time limited by the said act. Act continued  
for one year.

## CHAP. XXIII.

An Act to alter the mode of appropriating certain Fines, Forfeitures and Amercements.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all fines, forfeitures or ameracements, which shall or may accrue or be imposed in any of the Courts of Pleas and Quarter Sessions within this State, shall, by their respective Clerks, be accounted for, and paid to the County Trustee, which monies shall be appropriated in the payment of their jurors, and discharging other county and contingent charges. Fines, &c. to  
be paid to the  
County Trust-  
tees.

II. And be it further enacted, That the several Clerks of the County Courts within this State, shall annually pay to the County Trustee of the County of which he may be Clerk of the Court, all monies that shall be paid into his office on account of fines or forfeited recognizances, as well as all ameracements, any law, usage or custom to the contrary notwithstanding. Clerks to ac-  
count annually:

## CHAP. XXIV.

An Act to amend an act, entitled "An act authorising and empowering the County Courts of Pleas and Quarter Sessions to divide and appropriate the Real Estate of Intestates," passed in the year one thousand seven hundred and eighty-seven,

WHEREAS the above-recited act directs, that in the division of lands among the heirs, the Commissioners appointed by the Court, shall be empowered to charge the more valuable dividend or dividends such a sum or sums as they shall judge necessary to be paid to the dividend or dividends of inferior value, within one year after the Commissioners shall have made a return of their proceedings; and whereas it often happens that the estate so divided consists chiefly of uncultivated lands, which are an expence instead of being productive, and will not enable the minor to pay the sum so charged on his dividend in the time limited, without a sale of the land so laid off to him or them, which defeats the intention of the Legislature in passing the said act: For remedy whereof, Preamble.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Commissioners appointed by the Courts to divide the real estate of Intestates, to divide the lands of said Intestate into equal shares, in point of value, as nearly as possible, by a subdivision of the more valuable tract or tracts of lands. And in case the situation of the real estate is such that an equal division cannot be made without injury to the heirs, and some of the heirs are obliged to be charged with a sum or sums of money to be paid to the dividend or dividends of inferior value, then and in that case, the sum or sums so charged on the dividend or dividends, shall not be payable until the minor shall arrive at the age of twenty-one, any law to the contrary notwithstanding. Duty of Com-  
missioners.  
  
Manner of di-  
viding estates.

II. And be it further enacted, That the sums so due from the more valuable dividend or dividends, shall bear an interest of six per centum per annum until Interest on di-  
vidends.



1801.

Guardians to  
pay when assets  
in hand.On neglect,  
guardian to pay  
out of his own  
estate.

paid: *Provided always*, that the guardian or guardians of such minor or minors to whom the more valuable dividend or dividends shall fall, shall at all times be at liberty, and is hereby required to pay such sum or sums, whenever assets shall come into his hands sufficient to discharge the same. *Provided nevertheless*, that if it shall appear that the guardian shall have had assets in his hands which he did not apply to the discharge of the sums for which his ward is liable, he the said guardian shall be held and deemed answerable and bound to pay out of his own proper estate, any interest which shall have accrued thereon in consequence thereof, and which might have been stopped, had the same been so applied.

## CHAP. XXV.

An Act to authorize the County Courts of Pleas and Quarter Sessions to sell the real estate of Idiots and Lunatics, in certain cases.

Cases in which  
estates are to be  
sold.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That whenever it shall be made appear, to any of the County Courts within this State (seven Justices at least being present) either by the Wardens of the County, or Guardian of such Lunatic or Idiot, that the personal estate of any Lunatic or Idiot in such county, has been exhausted, or is insufficient for his or her support, and that such Idiot or Lunatic is likely to become chargeable on the parish, then and in either of such cases, the said County Courts are, and are hereby empowered, to make an order for the sale, or for the renting of the real estate of such Idiot or Lunatic, or any part thereof, in such manner, and upon such terms, as they may deem advisable. And all sales made in pursuance of this act, shall be valid to all intents and purposes to convey the whole interest and estate directed to be sold by the County Courts as aforesaid, any law to the contrary notwithstanding.

## CHAP. XXVI.

An Act for the limitation of Writs of Error.

Preamble.

WHEREAS much injustice hath of late been done by prosecuting writs of error on, and reviving ancient judgments rendered in the County Courts of this State: For remedy whereof,

Limitation.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That no writ of error shall be allowed, brought or prosecuted, upon any judgment rendered in any of the County Courts of this State, but within five years next after the entering such judgment, and not after.

Persons non  
compos mentis,  
&c.

II. *And be it further enacted by the authority of the same*, That if any person or persons who is, are or shall be entitled to prosecute a writ of error, be, or shall be, at the time of his or their right to bring such writ of error, non compos mentis, imprisoned, beyond seas, that then, such person or persons shall be at liberty to bring a writ of error, so as they bring the same within two years after their being of sound memory, at large, returned from beyond seas, or of age, as other persons having no such impediment might have done.

## CHAP. XXVII.

An Act to amend the first section of an act, passed in 1792, entitled "An act for appointing an additional Judge of the Superior Court of Morgan District, and for the relief of persons who have, or may hereafter forfeit their recognizances in the Superior and County Courts,

Witnesses ex-  
cused from for-  
feitures, to be  
free of costs.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any witness who shall be summoned, or bound in recognizance to appear and give evidence on behalf of the State, in any of the Courts thereof, and shall, by unavoidable accident, or other cause, be prevented from doing so, such witness, on making it appear to the satisfaction of the Court which he or she was bound to attend, shall, besides having his or her forfeiture remitted, be wholly exempt and discharged of and from all costs with which he or they would have been chargeable, had he or they not made such excuse.

## CHAP. XXVIII.

An Act to amend an act, entitled "An act to secure the impartiality of the Trial by Jury, and to direct the conduct of Judges in charges to the petit jury," and to direct how Constables in future shall be sworn who are appointed to attend juries on trials of civil cases in the several Courts.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of



And next, it shall be the duty of the Clerks of the several Superior and County Courts within this State, before a jury shall be impannelled to try the issue or issues in any suit or prosecution wherein the State is a party (except in case of capital offences) to read over the names of the jury upon the pannel in the presence and hearing of the defendant or defendants, his, her or their council; and it shall be competent for the defendant or defendants, or their council, for them to challenge peremptorily two jurors upon the said pannel, without shewing any cause therefor, which challenge shall be allowed by the Court, and the pannel shall then be made up as in other cases.

1801.

Two jurors may be challenged, without shewing cause.

II. *And be it further enacted*, That when any Constable shall be appointed or summoned to attend any of the Superior or County Courts (except such as may be appointed to attend the Grand Jury) it shall be the duty of the Clerk, at the time of the first going out of a jury on the trial of any civil cause, to administer an oath to the Constable faithfully to attend the several juries that shall or may be put under his care during that term, that shall be charged in the trial of any civil cause. And after the said Constable shall be once sworn as herein mentioned, he shall be considered, to all intents and purposes, as acting on oath upon the attendance of every jury that he may be called upon to attend during that term.

Constable to be sworn once only.

I I. *And be it further enacted*, That all acts and clauses of acts which come within the purview and meaning of this act, are hereby repealed, made void, and of none effect.

Former acts repealed.

## CHAP. XXIX.

An Act to amend the third section of an act, entitled "An act for appointing an additional Judge of the Superior Court of the district of Morgan, and for the relief of persons who have, or may hereafter forfeit their recognizances in the Superior and County Courts."

WHEREAS the above-recited section directs, that a majority of the Justices within their respective counties shall be present at the remission of all fines by them inflicted, which in many instances is found to be injurious:

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the several County Courts of Pleas and Quarter Sessions in this State shall have power to remit or mitigate all fines by them inflicted: *Provided*, there are seven Justices on the bench, and provided three of whom shall have been present when said fine was inflicted, any law to the contrary notwithstanding.

Courts power to remit fines.

II. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of the Clerks of the several Superior Courts of this State, at the time of publishing the rules made by the said Courts, as to the distribution of the business thereof, to publish at the same time a list of all the causes which shall be at issue on their respective dockets.

Clerks of S. Courts to publish a list of causes.

## CHAP. XXX.

An Act to amend the second section of an act, passed at Newbern in the year of our Lord 1768, entitled "An act to amend an act, entitled An act to restrain the keeping of too great a number of Horses and Mares, and for amending the breed."

WHEREAS in the aforesaid section it is enacted, among other things, that no person whatever in this Province shall suffer or let go at large any stoned horse or horses of two years old and upwards, unless such horse or horses be at least fourteen hands in height, under certain penalties and forfeitures therein specified; and whereas the suffering of horses of that age and size is found prejudicial:

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That no person whatsoever in this State, shall suffer or let go at large, any stoned horse or horses of two years old or upwards, upon penalty of forfeiting such horse or horses, or the sum of twenty shillings to the taker up of every such stoned horse: *Provided* the same be found running at large, not within the confine of any fence, water, marsh or swamp, any thing to the contrary in the aforesaid section notwithstanding.

Penalty on stoned horses going at large.

## CHAP. XXXI.

An Act to repeal part of an act, entitled "An act to prevent the several species of Hunting therein mentioned, passed at Hillsborough in the year 1784.

WHEREAS the punishment prescribed in said act for fire-hunting is disproportionate to the offence:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the first

1801. section of the said recited act as empowers the Court, upon conviction of any  
 Part of 1st sec. person for fire-hunting, and upon his failing or refusing to pay the fine therein  
 former act re- mentioned, to order the person so convicted to receive thirty-nine lashes on his  
 pealed. bare back, be, and the same is hereby repealed and made void. And upon any  
 Punishment. conviction hereafter for said offence of fire-hunting, the Court in which the same  
 is made, on his failing to pay the fine prescribed by said recited act, shall be, and  
 is hereby authorized and empowered to sentence the person or persons convicted,  
 to such term of imprisonment as may be judged adequate to the punishment of  
 the offence, not exceeding two months.

## CHAP. XXXII.

An Act to amend an act, passed at Newbern in the year 1777, entitled "An act to prevent  
 abuses in taking up stray Horses, Cattle, Hogs, Sheep and other things therein mentioned."

Preamble. WHEREAS the before-recited act makes no provision for compelling the  
 taker up of stray beasts which have been reclaimed, or died within the time li-  
 mited by the said act, to produce a certificate thereof within any limited time,  
 and it frequently happens that such certificates are withheld, consequently suits  
 are commenced by the Trustee, and on trial the certificates being produced,  
 thereby subjects the county to costs:

Certificates to be produced to the Ranger in certain cases. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future, each and every per-  
 son taking up a stray or strays, and such stray or strays being reclaimed by the  
 owner or owners thereof, or dying as aforesaid, such takers up shall produce to the  
 Ranger of the county, a certificate of the same from some Justice of the Peace  
 of his county, within twelve months after entering such stray or strays; which  
 certificate the Ranger shall note in his book and file in his office, and shall give  
 a receipt for the same, specifying the day and date of the entry of such stray or  
 strays. And in case any taker up of any stray or strays, shall fail or neglect to  
 produce a certificate as aforesaid, he, she or they so failing or neglecting, shall  
 be subject to the payment of all costs which may accrue in consequence of any  
 suit or suits which shall or may be brought against him, her or them, as fully as  
 if no claim had been made, or death happened, any law, usage or custom to the  
 contrary notwithstanding.

## CHAP. XXXIII.

An Act to divide the second Brigade in the First Division into two separate and distinct  
 Brigades.

Preamble. WHEREAS it appears to this General Assembly, that the second Brigade  
 in the first division is composed of effective men sufficient to form two, and it be-  
 ing at present divided into a number of regiments and battalions, which make  
 it troublesome and inconvenient for the proper officers to review.

The two Bri- *gades described* *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of  
 this act, the counties of Craven, Jones, Carteret, Beaufort and Hyde, shall  
 compose one Brigade, which shall be called and known by the name of "The  
 Second Brigade;" and that the counties of Johnston, Wayne, Lenoir, Greene,  
 and Pitt, shall compose one other Brigade, which shall be called and known by  
 the name of "The Twelfth Brigade;" any law to the contrary notwithstanding.

## CHAP. XXXIV.

An Act to divide the Seventh Brigade in the Fourth Division into two separate and distinct  
 Brigades.

Preamble. WHEREAS it appears to this General Assembly, that the Seventh Brigade  
 in the fourth division, is composed of effective men sufficient to form two Bri-  
 gades, and it being at present divided into a number of regiments and battalions,  
 which make it troublesome and inconvenient for the proper officers to review:

The two Bri- *gades described* *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of  
 this act, the counties of Rowan and Iredell shall compose one Brigade, which  
 shall be called and known by the name of "The Seventh Brigade;" and that the  
 counties of Mecklenburg, Cabarrus and Montgomery, shall compose one other  
 Brigade, which shall be called and known by the name of "The Eleventh Bri-  
 gade;" any law to the contrary notwithstanding.



## CHAP. XXXV.

An Act to amend an act, entitled "An act concerning Wrecks," passed the last session of the General Assembly.

WHEREAS it is represented to this General Assembly, that the said act as it now stands, does not answer the purposes intended: For remedy whereof,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That after the first day of April next, it shall and may be lawful for the several County Courts of Currituck; Carteret, Onslow, New-Hanover and Brunswick, and they are hereby required, at their first County Courts, and each and every year thereafter, to appoint two or more discreet and proper persons as Commissioners of Wrecks in their respective counties, for the next ensuing year, who shall severally enter into bonds, with two or more good and sufficient securities, in the Court of the County where they reside, in the sum of two thousand pounds, for the faithful discharge of the duties of their office; and it shall be the duty of the Clerks of the aforesaid County Courts, to make out a certificate to each Commissioner appointed as aforesaid.

Commissioners of wrecks to be appointed.

To give bond.

II. *And be it further enacted,* That it shall be the duty of the Commissioners appointed as aforesaid, on the earliest intelligence given, or on application to them made, by or on behalf of any Owner, Supercargo, or Commander of any ship or other vessel being in danger of being stranded, or being stranded, to command any Sheriff or Constable nearest the coast where such ship or other vessel shall be in danger, to summon as many men as shall be thought necessary to the assistance of such ship or vessel, who are to be under the directions of the Master or Owner; and the Commissioners, and all others who shall assist in preserving any ship or other vessel in distress, or their cargoes, shall, within forty days, be paid a reasonable reward by the Commander or Owner of the ship or vessel in distress, or by the Merchant whose vessel or goods shall be saved; and in default thereof, the vessel or goods shall remain in the custody of the Commissioners or Salvors, until all reasonable charges be paid, or security given for that purpose, to the satisfaction of the parties: And in case the parties shall disagree touching the amount of the reward to be paid the person employed, it shall be lawful for the Commander of such vessel saved, or the Owner of the goods, or Merchant interested, to chuse one indifferent person, and also for the Commissioners or Salvors to nominate one other indifferent person, who shall adjust and ascertain the same, and such adjustment shall be binding on all parties, and to be recoverable, with costs, in any court of record, or any competent jurisdiction within this State.

Their duty.

Where a disagreement, in different persons to be chosen.

III. *And be it further enacted,* That the Commissioners appointed as aforesaid shall not take upon themselves any power or authority to advertise, or in any way to dispose of any vessel or cargo, or any part thereof, where there is any Owner, Supercargo, Consignee, or Captain present, but in all things to aid and assist him or them, as he or they may direct; and for such services, such Commissioner or Commissioners shall be allowed a reasonable compensation, over and above his salvage right, for labour done.

Commissioners not to direct, if captain, &c. be present.

IV. *And be it further enacted,* If any person besides those empowered by the Commissioners, or any one of them, shall enter, or endeavour to enter, on board any vessel in distress or stranded, without the leave of the Captain or Owner; or in case any person shall molest them in saving the vessel or goods, or shall deface the marks of any such goods before they be taken down in a book by the Commissioners, or one of them, every such person shall forfeit and pay the sum of one hundred pounds, to be recovered before any competent jurisdiction in this State, to the use and benefit of the Owner of the vessel or goods, as the case may be; and in case of failure to pay such forfeiture immediately, or give security to pay the same within twenty days, he or they shall be committed to the county jail not exceeding three months. And in case any goods shall be found upon any person that were stolen or carried off from any vessel in distress or stranded, the person upon whom such goods shall be found, shall, upon demand, deliver the same to the Owner or Commissioners, or to such other person as shall be authorized by the Owner or Commissioner to receive such goods, or shall be liable to pay treble the value, to be recovered before any competent jurisdiction, as aforesaid.

Forfeiture on unauthorized persons interfering.

V. *And be it further enacted,* That should any vessel or other property be cast ashore, within the limits of any of the aforesaid counties, without any person present to claim the same as owner, the Commissioners, or one of them, shall take possession thereof, and cause a true description of the marks, numbers and

How the commissioners shall act where no one claims.

1801.

kinds of such goods to be advertised in one or more public gazettes, for the space of eight weeks; and if no person shall claim the same within twelve months, public sale shall be made thereof; but if perishable, the goods shall be sold after being advertised in two or more public places, not less than ten, nor more than twenty days, as circumstances may require. And after all reasonable charges deducted, the residue of the money, with an account of the whole, shall be transmitted to the Clerk's office of the Court of the County where such vessel may be stranded or goods saved; and the said Clerk shall make a record and keep an account of the same, for the benefit of the owner, who, upon proof of his property to the satisfaction of the Commissioners, together with two Justices, shall, by their warrant or order, receive the same, paying to the Clerk of such Court, one per cent. for his trouble; but should the net amount of such sales by any Commissioners as aforesaid, exceed the amount of the Clerk's bond, then and in that case, it shall be the duty of the Commissioners aforesaid to transmit the amount to the Clerk's office of the District Court of the district where such vessel or goods may have been stranded, under the same regulations as if it had been put into the hands of the Clerks of the County Courts as aforesaid; and should no person claim the same within a year and one day from the date of the advertisement, it shall then and in that case, be the duty of the Clerk holding such money, to transmit the same, after deducting one per cent. for his trouble, to the Public Treasurer of the State, for the use of the State.

Produce of  
sales when un-  
claimed to go  
to the Public  
Treasurer.

Persons finding  
stranded prop-  
erty, what  
they shall do.

VI. *And be it further enacted*, That when any person or persons shall find any stranded property on or near the sea-shore, and no owner appearing to claim the same, he or they shall, as soon as possible after saving the same, give information to the nearest Commissioner thereof, and to him deliver the same, for which he shall be entitled to his reasonable salvage, to be ascertained in manner before directed; and should any person finding stranded goods or other property as aforesaid, conceal the same, or convert them to his own use, or fail within ten days to give information thereof to the nearest Commissioner of Wrecks in his or their county, on proof thereof had, he or they shall pay to the Commissioners discovering the same, double the value of such property, to be recovered before any competent jurisdiction having cognizance thereof.

Persons steal-  
ing stranded  
property.

VII. *And be it further enacted*, That if any person shall embezzle or steal any stranded property, or conceal the same knowing it to have been stolen, such person or persons, upon due proof thereof, shall forfeit and pay to the Owner or Commissioner, double the value of the stolen goods so proved against him or them, or found in his or her possession, to be recovered before any Justice of the Peace, or any other competent jurisdiction; and the person or persons so feloniously taking or concealing the same, shall moreover be liable to be prosecuted on behalf of the State, and suffer as in other cases of theft.

Commissioners  
abusing their  
trust.

VIII. *And be it further enacted*, That should any Commissioner appointed as aforesaid, either by fraud or wilful-neglect, abuse the trust so reposed in him, he shall, upon conviction thereof, forfeit and pay treble damages to the party aggrieved, to be recovered, with costs, by action on the case, in any court of record, and shall thereafter be incapable of acting as a Commissioner. And any Sheriff or Constable, or other persons summoned as aforesaid, refusing or neglecting to give the assistance required for the saving any vessel or her cargo, shall forfeit and pay the sum of forty shillings, to be recovered by the Commissioners ordering such duty, before any Justice of the Peace in the county where such duty was required.

Commissioners  
oath.

IX. *And be it further enacted*, That the Commissioners so appointed, after the first day of April next, before their entering into bonds, shall, in their County Courts respectively, take and subscribe to the following oath, to-wit: "I A. B. do solemnly swear, that I will truly and faithfully discharge the duties of a Commissioner of Wrecks in the county of \_\_\_\_\_ agreeably to law, and to the best of my skill and abilities: So help me God." And the Commissioners appointed as aforesaid, in their respective counties, where there may be any stranded or wrecked property cast ashore, or any such property coming into their hands, where there appears no owner to claim the same, that such Commissioner shall be allowed for his trouble a sum not exceeding five per cent. on the value or sales of such goods, in full for all services by him or them performed, and no more.

Commissioners  
allowance.

Former act re-  
pealed.

X. *And be it further enacted*, That an act, entitled "An act concerning wrecks," passed in the year one thousand eight hundred, be, and the same is hereby repealed and made void.



## CHAP. XXXVI.

1801.

An Act to amend an act, entitled "An act for facilitating the Navigation, and regulating the Pilotage of the several Ports in this State," so far as respects the Port of Washington, and other purposes.

WHEREAS there remains but one Commissioner of Navigation, named in the second section of the above-recited act, for the port of Bath, now the port of Washington, within the limits of the said town; and whereas by the arrival of vessels, the inhabitants of the town of Washington are frequently exposed to the importation of infectious and contagious diseases: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Ralph Potts, Walters Hanrahan, Lewis Leroy, and William Kenedy be, and they are hereby appointed Commissioners of Navigation of the port of Washington, in addition to the survivors, which Commissioners and their successors, are hereby vested with the same power and authority the first Commissioners were entitled to, or would by law have used or exercised: And whenever any vacancy shall happen, by the death, removal or resignation of either of them, so as to reduce their number less than five, some other person or persons shall be elected by the freemen of the town of Washington, at the same time, and in the same manner, that Commissioners of the town aforesaid are elected. *Provided nevertheless,* that no person shall be eligible as Commissioner of Navigation for the port of Washington, who is not a resident of the said town, and who does not possess a freehold within the same.

II. *And be it further enacted,* That every Pilot acting under the authority of any of the Boards of Commissioners of Navigation for the ports of Newbern, Washington, Edenton, or Beaufort, shall, within six months after the passing of this act, enter into bond, with two or more sufficient securities, in the sum of five hundred pounds, for the faithful discharge of the duties of their office, payable to the said Boards of Commissioners respectively, and shall and may be put in suit by the party grieved for any breach thereof, and recovery had thereon in an action of debt in any court of record having cognizance thereof, to the amount of the damage sustained by the party at whose instance such suit shall be brought.

III. *And be it further enacted,* That none of the Pilots of any of the said above-mentioned Ports, shall exact pilotage from any vessel belonging to any citizen of this State going to or coming from any of the ports of the United States, which shall be under the burthen of fifty tons, unless such vessel shall have given a signal for a Pilot, or otherwise shall require to be carried in by a Pilot.

IV. *And be it further enacted,* That so much of the above mentioned act as comes within the purview and meaning of this act, is hereby repealed and made void.

## CHAP. XXXVII.

An Act to repeal such parts of the several acts of Assembly now in force, as respects the time for electing Representatives to Congress.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the several acts of Assembly now in force, as directs the election of members of Congress to represent the citizens of this State in the House of Representatives of the United States, in the month of August next be, and the same is hereby repealed and made void.

## CHAP. XXXVIII.

An Act to repeal an act, entitled "An act to improve the Navigation of Great Contentnea Creek, passed at Raleigh in the year one thousand seven hundred and ninety-six.

WHEREAS the above-recited act has not produced the effect that was expected or intended by the said law:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the above-recited act be, and the same is hereby repealed and made utterly void.

## CHAP. XXXIX.

An Act to repeal the first section of an act, entitled "An act for appointing Commissioners to extend the boundary line of this State and the State of South-Carolina," passed in 1796.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the first section of the above-recited act shall be, and the same is hereby repealed and made void.

1851.

## CHAP. XL.

An Act to repeal a part of the Inspection Laws now in force in this State.

Turpentine  
and Pitch.

*BE it enacted by the General Assembly of the State of North-Carolina,* That so much of the said laws shall be, and are hereby repealed, as respects the weighing of turpentine and pitch; and that it shall be lawful for the Inspector to brand and pass any well filled barrel of good turpentine or pitch, if the same shall contain twenty-eight gallons, or over, and made of good timber and well hooped, as the laws heretofore in force direct.

## CHAP. XLI.

An Act to establish a Company for the purpose of facilitating the Navigation of Neuse River, from Smithfield to the mouth of Crabtree Creek.

A company ap-  
pointed.

*BE it enacted by the General Assembly of the State of North-Carolina,* That Matthias Handy, John Williams, Samuel Smith, Hardy Bryan, Bennet Boddie, Kimbrough Hinton, Simon Turner, Theophilus Hunter, John Haywood, Henry Potter, John Hinton, John Ingles, Nathan Williams, Reuben Saunders, and Henry Seawell, Esquires, are hereby appointed, incorporated and styled, "The Neuse River Company," with full power to receive subscriptions or donations from such public spirited persons as may be inclined to aid this laudable undertaking, and dispose thereof as they may think fit for the purposes aforesaid.

To meet.

II. *And be it further enacted,* That the said Commissioners shall convene at the house of John Arthur Bryan, the first day of April next, a majority of whom shall be capable of doing business, then and there to appoint their necessary officers, and make such rules as to them may seem proper and fit to be done.

Power to re-  
move fish-dams  
&c.

III. *And be it further enacted,* That as soon as the Company aforesaid shall begin to clear the river aforesaid, they shall have power to remove or cause to be removed all such fish-dams, hedges or other obstructions, which they may deem in the way of the Navigation, from Smithfield to the mouth of Crabtree Creek aforesaid; and any person or persons who shall thereafter erect or put up any stop, dam, hedge or wear, so as to obstruct the Navigation aforesaid, shall forfeit and pay the sum of fifty pounds, to be recovered and applied in the name of the Company, for the use of the said Navigation.

Penalty on fall-  
ings trees into  
the river.

IV. *And be it further enacted,* That no person shall hereafter fall or roll any tree or log into the river aforesaid, under the penalty of five shillings for every tree or log so felled or rolled as aforesaid, to be recovered by the Commissioners and applied in manner aforesaid, and shall also remove the trees or logs out of the river aforesaid.

Books of sub-  
scription to be  
opened.

V. *And be it further enacted,* That it shall and may be lawful to open Books of Subscription at Raleigh, under the management of Henry Potter, and at Smithfield under the management of Matthias Handy, for receiving the subscriptions to the amount of Five Thousand Dollars, for the said undertaking; which subscription shall be made in person, or by power of attorney, and shall be in dollars. And the said books shall be opened on the first day of March next, to be kept open until the first day of March, one thousand eight hundred and three; and on the first day of April thereafter, there shall be a general meeting of subscribers and commissioners at Raleigh, notification of which shall be given by the commissioners in the State Gazette one month previous, and the commissioners shall then lay before the subscribers present the books of subscription made; and if the sum of five thousand dollars aforesaid shall not have been subscribed, then the managers to continue to receive subscriptions to make up the deficiency; and if more than five thousand dollars shall be subscribed, the commissioners shall reduce the same to that sum, by striking off from the subscriptions, their proportionable and rateable parts, so as to reduce the capital to the amount of five thousand dollars aforesaid. And the said capital shall be divided into one hundred shares of fifty dollars each, and any person may subscribe for one or more share or shares, but not for a part of a share. *Provided,* that unless one half of the said capital shall be subscribed on or before the first day of April, one thousand eight hundred and eight, all subscriptions made in consequence of this act shall be void.

The capital  
how to be di-  
vided.

Property and  
profits vested  
in the compa-  
ny.

VI. *And be it further enacted,* That in consideration of the trouble and expence the said commissioners will unavoidably be put to in rendering navigable the said river, the locks, canals and every work and thing appertaining to the said Navigation, with all the profits arising from the same, or any part thereof, shall be and are vested in the said company, their heirs and assigns, for ninety-nine years, as tenants in common, in proportion to their respective shares; and the same shall be deemed real estate, and shall be exempt from the payment of taxes, impositions or assessment: And the tolls which the company may demand for every thing brought down or carried up their Navigation, or any part thereof, shall be as followeth, to wit: for every pipe or hoghead of wine containing more than sixty-five gallons, twenty-five cents; for every hoghead of rum or other spirits, twenty-five cents; for every hoghead of tobacco, twenty-five cents; for every cask between sixty-five and thirty-five gallons, half of a pipe or hoghead; barrels one-fourth part, and small kegs in proportion, according to their quantity and qualities, of their contents of wine or spirits; for linseed oil the same as spirits; every bushel of wheat, peas, beans or flax-seed, two cents; every bushel of Indian corn, or other grain or salt, two cents; for every barrel of beef or pork, twelve and a half cents; for every ton of hemp, flax, pot-ash, bar or manufactured iron, fifty cents; for every ton of pig-iron, lead or other ore (except iron) fifty cents; for every ton of stone or iron ore, fifteen cents; for every hundred bushels of lime, fifty cents; for every chaldron of coal, twelve cents; for every hundred pipe-staves, three cents; for every hundred staves, pipe or hoghead heading, three cents; for every thousand hoops, twelve cents; for every hundred barrel staves or heading, two cents; for every cubic foot of lumber, five cents; for every gross hundred weight of all other commodities, three cents.

Rate of tolls.

Returning  
boats exempt.

And that every empty boat that has carried its load and paid the tolls, on its return shall



be exempt from tollage. And the commissioners shall enter their said regulations of tolls in their books; and it shall be lawful for the said commissioners, or such person or persons by them appointed, at all times hereafter to receive the toll so assigned, on all produce and commodities passing through the said Navigation, or any part thereof; and they may demand the toll at such place or places as they shall think proper. And if any person shall refuse to pay the toll so laid as aforesaid, the collector may deny passage; and if any person so refusing to pay, shall pass through the Navigation, or any part thereof, it shall be lawful for the collector to seize the vessel and cargo wherever found, and after ten days public notice, sell the same, or as much thereof at public auction for ready money, as may be necessary to pay the toll and all expences, and the surplus of such sale (if any) shall be returned to the owner, on demand.

1801.

Penalty on refusing to pay toll.

VII. *And be it further enacted*, That the said company, by the name of "The Newse River Company," shall be capable to sue and be sued, plead and impleaded; and the said company, or a majority thereof, shall be, and are hereby vested with full and complete power to do all acts and things which may be necessary to carry the purposes and intentions of this act into effect, as fully and amply as if the same were particularly recited.

Company may sue and be sued.

## CHAP. XLII.

An Act to open and make navigable Fishing-Creek, from the mouth thereof as far as may be practicable.

WHEREAS the opening Fishing-Creek would contribute much to facilitate commerce, and be of general utility:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful and proper to open books of subscription, in Nash County, under the direction and care of Joseph Arrington, junior, and Benjamin Mason; in Halifax, under the direction of Edmund Jones and John Whittaker; and in Edgecomb, under the direction of Richard Sessums and David Coffield, for the receiving of subscriptions to the amount of Twenty Thousand Dollars, for the undertaking and opening Fishing-Creek, from the mouth thereof as far up as is or may be practicable, which subscriptions shall be made personally, or by power of attorney, and shall be in dollars. That the said books shall be opened on the first Thursday of February next ensuing, and shall continue open for the term of twelve months; and on the first Thursday of May next following, there shall be a general meeting of the subscribers at Enfield, in the county of Halifax, and the managers shall give notice of such meeting in the Halifax paper, and by advertisements at least twenty days before the day for that purpose appointed; and the acting managers shall then and there lay before such of the subscribers as shall meet, the books by them kept containing a state of the subscribers; and if the capital sum aforesaid shall not have been subscribed, then the managers are to continue to receive subscriptions to make up the deficiency. The acting managers shall make a list of the subscribers, with the sum subscribed by each person, and return the same under their hands to the Secretary's Office of this State, there to be recorded. And if more than twenty thousand dollars shall be subscribed, the same shall be reduced to that sum, by the managers, or a majority of them, by beginning to strike off from the largest subscriptions in the first instance, then from the next, and so on, until the sum is reduced to twenty thousand dollars. And the said capital shall be divided into four hundred shares of fifty dollars each; and any person may subscribe for one or more share or shares, but not for part of a share. *Provided*, that unless one half of the capital aforesaid shall be subscribed before, or at the meeting of the subscribers at Enfield in one year after the day of meeting aforesaid, all subscriptions made in consequence of this act, shall be void. And if one half, and less than the whole, shall be subscribed, then the President and Directors are empowered to receive the subscriptions which shall be first offered, in whole shares, until the deficiency shall be made up, and they shall return their proceedings in this behalf to the Secretary's Office, to be recorded.

Books of subscription may be opened.

Meeting of subscribers.

List of subscribers to be returned to Secretary's office.

Capital how divided.

Act to be void on failure of subscriptions.

If half subscribed, the subscription to go on.

II. *And be it further enacted*, That if one half or more of the capital shall be subscribed as aforesaid, the subscribers, their heirs and assigns, from the time of their first meeting, shall be, and they are hereby incorporated by and under the name of "Fishing-Creek Company," and may sue and be sued, implead and be impleaded. And the subscribers present at the said meeting, or a majority of them, shall elect a President and seven Directors, to conduct the said undertaking, and manage the business of the company, for and during such time as shall be deemed proper; and in counting the votes of all general meetings of the company, each member shall have one vote for each share, as far as ten shares, and one vote for every five shares above ten by him held at the time; and any member, by writing under his hand, executed before a Justice of the Peace and certified, may depute any member to act as proxy for him at any general meeting.

Subscribers incorporated.

Manner of voting.

III. *And be it further enacted*, That the President and Directors, and their successors, or a majority of them, shall and may agree with persons in behalf of the company, to open the Navigation of the said creek, by locks, canals, or otherwise, from place to place, and from time to time, and upon such terms as they shall think best, and out of the said capital and money arising from toll, pay for making and repairing all works necessary for the purpose aforesaid; and also to appoint a Treasurer, not one of their body but yet a proprietor, Clerk, Toll-gatherers, and such officers, managers and servants, as may be requisite, and to agree for their wages, settle and pass their accounts; and also to establish rules of proceeding, and generally to transact all the business of the company, in the intervals between the general meetings of the same, and they shall be allowed by the company, at their general meetings, a reasonable sum for their trouble. *Provided*, that the Treasurer shall give bond and security as the President and Directors shall direct, and he shall not be allowed more than five per centum for the disbursements by him made for services, and no officer in the company shall have a vote in settling or passing his account.

May agree with persons to do the work.

Treasurer, &amp;c. to be appointed.

To make rules.

Treasurer to give bond, &amp;c.



1801.

Portion of subscription to be paid at first meeting.

What may be demanded in one year.

On failing to pay.

Sales to be at Enfield.

IV. *And be it further enacted*, That each subscriber shall pay for every share at the first general meeting to be held on the day aforesaid, at Enfield, the sum of twelve and a half dollars per share to the Treasurer of the company; and the names of those who fail to pay shall then and there be struck off the books, and others complying with this regulation, may take such shares; and the President and Directors, and their successors, or a majority of them, shall have power from time to time, as money may be wanting, to make and sign orders for that purpose, and direct at what time, and what proportion the subscribers shall pay of the sums subscribed, which orders shall be advertised at least twenty days in the Halifax Gazette. *Provided*, that the President and Directors shall not demand from the subscribers more than twenty-five dollars per share in one year; and if any of the subscribers shall fail to pay their proportions required within two months after the same is ordered by advertisement, the President and Directors, or a majority, may sell at auction, and convey to the purchaser, the shares of the subscriber so failing, giving at least thirty days notice in the Gazette aforesaid; and all such sales shall be at Enfield, and the purchaser at such sales shall be subject to the same regulations as if the sale and conveyance had been made by the proprietors.

Officers re-appointed or removed.

Totake an oath.

V. *And be it further enacted*, That from time to time, on the expiration of the term for which the President and Directors may be appointed, the subscribers, at their next general meeting, may continue them, or any of them, or appoint others in their room; and in case of the death, resignation, removal or incapacity of any of them, may elect others; may also, at any of their general meetings, remove their President or any of their Directors, and appoint others for the remainder of the time for which such persons were to have acted.

General meetings.

Dividend to be made of profits.

VI. *And be it further enacted*, That every President and Director, before he proceeds to act, shall take an oath or affirmation for the faithful discharge of his office.

VII. *And be it further enacted*, That the presence of the proprietors, either personal or by proxy, having fifty shares at least, shall be necessary to constitute a general meeting; that there shall be a general meeting on the first Monday of September annually, after the first meeting; but if a sufficient number does not attend on that day, the proprietors attending may adjourn from day to day, until a sufficient number does meet, and then to continue to sit as long as necessary. And the President and Directors shall make report, and render just and distinct accounts of all their proceedings; and the proprietors present, or a majority, if they find the accounts just, shall grant a certificate thereof, and make a statement of the same on the books of the company; and at such yearly general meeting, after leaving in the hands of the Treasurer such sum as the majority of the proprietors may judge necessary for repairs and contingent charges, an equal dividend of the profits arising from the tolls granted by this act, shall be made among the proprietors, in proportion to their several shares; and on any emergency, the President, and a majority of the Directors, in the interval between the yearly meetings, may call a general meeting of the company, giving notice thereof thirty days.

Property, &c. vested in the company.

Tolls.

Proceedings to be published.

On refusing to pay toll.

Public highway.

VIII. *And be it further enacted*, That for the expences the company must incur in cleaning out and opening said creek, and doing various things which may be necessary for the navigation of said creek, the navigation thereof, locks, canals, roads, and every thing appertaining to the same, with all the profits arising from the same, or any part thereof, shall be, and they are hereby vested in the said company, their heirs and assigns, for ninety-nine years, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and shall be exempt from the payment of taxes, imposition or assessment. And the toll which the company may or shall demand for every thing shall be fixed and declared by the President and Directors from time to time. *Provided*, that the toll to be paid for passing the same, shall at no time exceed the toll allowed by an act, entitled "An act for cutting a navigable canal from Pasquotank river in this State to the waters of Elizabeth river in the State of Virginia," for similar articles paying the same; and they shall enter their proceedings in their books, and publish the same in the North-Carolina Journal; and it shall be lawful for the President and Directors, at all times thereafter, to demand and receive tolls which shall be fixed by the Commissioners aforesaid, on all produce, goods or commodities, which shall be transported through the said Navigation, or any part thereof, and they may demand the toll at such place or places as they shall think proper; and if any person shall refuse to pay the lawful toll, the collector may deny passage; and if any person so refusing to pay shall pass through the Navigation, it shall be lawful for the collector to seize vessel, boat, or any thing else, and cargo, wherever found, and sell the same, or so much thereof as may be necessary, giving twenty days notice, at auction for ready money, to pay the toll, and the surplus (if any) shall be rendered to the owner, after paying the toll, and expences of seizure and sale.

Public highway.

IX. *And be it further enacted*, That the navigation and works of the said company, done in pursuance of this act, when completed, shall for ever thereafter be considered as public highways, free for the transportation and passage of all goods, wares, commodities or produce whatever, paying toll as before directed.

Company may purchase land.

Persons erecting mills, &c.

Shares transferable.

And whereas it may be necessary for the completing of the Navigation aforesaid, that certain portions of lands should be purchased for the purpose,

X. *Be it further enacted*, That it shall and may be lawful for the President and Directors, or a majority, to agree with the owners of any land through which the said Navigation is intended to pass for the purchase thereof. And after the said creek shall be opened and cleared out, if any person or persons shall build or erect any mill or mill-dams, he shall, at his own expence, erect and open a lock or locks fully sufficient for the passage of any boat, canoe or other vessel which the Navigation will admit; and if he shall not do so, it shall be lawful and right for the President and Directors, or a majority, to demolish, pull down, or take away, any obstructions, or such other remedy as may be convenient and necessary.

XI. *And be it further enacted*, That it shall be lawful for any of the proprietors to transfer his share or shares, by deed executed before two witnesses, and registered, after proof of



execution, in the company's books, and not otherwise, except by devise, which devise shall also be exhibited to the President and Directors, before the devisee shall be entitled to draw any part of the profits from the said tolls. *Provided*, that no transfer shall be made for parts of a share, and that no share shall be transferred or held in trust, for the use and benefit, or in the name of another, whereby the President, or Directors, or Proprietors, or any of them, may be made to answer any such trust; but every such person appearing as aforesaid to be a proprietor shall, as to the rest of the company, be considered to every intent as a proprietor, but between any trustee and the person for whose benefit the trust was created, the common remedy may be pursued.

XII. *And be it further enacted*, That if the said company shall not complete the Navigation aforesaid within ten years after the passing of this act, all preference in favour of said company with respect to the said Navigation shall be forfeited.

XIII. *And be it further enacted*, That the said company, and their successors, shall be capable of purchasing and holding, and selling real and personal estate; and if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence; and on a verdict against the plaintiff, or non-suit, or discontinuance, recover costs of suit.

XIV. *And be it further enacted*, That the General Assembly of North-Carolina shall not impose any restrictions, duty or impost on commodities, manufactures, produce or merchandize, transported by the said Navigation.

XV. *And be it further enacted*, That when the said company shall have completed the Navigation of said Fishing-Creek, they shall render a summary statement of the monies expended therefor to the Secretary of State, and it shall be his duty to file the same in his office; and it may be lawful for the State, at any time after the company have been receiving toll on the said Navigation of the creek ninety-nine years, to take the same, with all the profits, premises and appurtenances thereunto belonging, or in anywise appertaining, for the purpose of navigation only, on paying the company the monies expended thereon (ascertained the same and filed as aforesaid) with twenty-five per cent. advance on such sum, in lieu of all profits, issues and advantages that might thereafter accrue to the said company, were they allowed to remain as proprietors, and continue and retain the same.

#### CHAP. XLIII.

An Act to improve the Navigation of the Catawba River, from the South-Carolina line, as far up as the same may be practicable.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books of subscription, at Morganton, under the management of Waightstill Avery and David Tate; at the Concord Forge, under the management of Andrew Beard; at Lincolnton, Peter Forney; Statesville, William Young; at Beattie's Ford, William Hask; at Charlotte, John McKnight Alexander; and at Salisbury, Lewis Beard, for receiving and entering subscriptions, to the amount of Fifteen Thousand Dollars for said undertaking, which subscriptions shall be made personally, or by power of attorney, and shall be in Spanish milled dollars, but may be paid in gold coin, or currency of the State, of the same value; that the said books shall be opened for receiving of subscriptions on the first Monday in March next, and continue open until the first Monday in November next, inclusive. And on the first Monday in January next, there shall be a general meeting at Lincolnton, of the managers and subscribers; of which meeting notice shall be given by the managers, at least forty days before the said meeting, and such meeting shall and may be continued from day to day until the business is finished. And the acting managers shall, at the time and place aforesaid, lay before such subscribers as shall meet according to the said notice, the books by them respectively kept, containing a state of the said subscriptions, and if one half of the capital sum aforesaid should, on examination, appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency; and in case more than fifteen thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from the subscriptions above one share, until the sum is reduced to the capital aforesaid of fifteen thousand dollars, or until a share is taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums to determine the number in which such subscribers shall stand on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscribers are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid. And the said capital sum shall be reckoned and divided into three hundred and seventy five shares, of forty dollars each; of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise: *Provided always*, that unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one half, and less than the whole capital shall be subscribed as aforesaid, then the Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the deficiency shall be made up: A certificate of all such subscriptions shall be made under the hands of the Directors, or a majority of them, for the time being, and be returned to and recorded in the county court of Lincoln.

II. *Be it further enacted*, That in case one half of the said capital, or a greater sum, shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of their first meeting, shall be, and they are hereby declared to be incorporated into a company, by the name of "The North-Carolina Catawba Company," and may sue and be sued as such. And such of the said subscribers as shall be present at said meeting, or a majority of them, are hereby empowered and required to elect a President and five Directors, for conducting the said undertaking and managing all the said company's business and concerns, for and during such time (not



1801. exceeding three years) as the said subscribers, or a majority of them, shall think fit. And in counting the votes of all general meetings of said company, each subscriber shall be allowed one vote for every share as far as five shares, and a vote for every two shares above five, by him or her held at the time in the said company. And any proprietor, by writing under his or her hand, executed before a Justice of the Peace and certified, may depute any member to act as proxy for him or her at any general meeting.

III. *Be it further enacted*, That the President and Directors so elected, and their successors, or a majority of them assembled, shall and may have power and authority to agree with any person or persons on behalf of the company to open and improve the navigation of Catawba aforesaid, by canals, locks or sluices, from place to place, and from time to time, upon such terms as they shall think best: And out of the said capital and money arising from tolls, shall and may pay for making and repairing all works necessary for navigation; and also to appoint a Treasurer, not one of their own body, but yet a proprietor; Clerk, Toll-gatherer, and such officers, managers and servants, as may be requisite, and to agree for their wages, settle and pass their accounts; and also to establish rules of proceedings, and generally to transact all the business of the company in the intervals between the general meetings of the same, and they shall be allowed by the company, at their general meetings, a reasonable sum for their trouble: *Provided*, that the Treasurer shall give bond and security as the President and Directors shall direct; and that no officer in the company shall have a vote in settling and passing his accounts.

IV. *And be it further enacted*, That each subscriber shall pay for every share at the first general meeting to be had on the first Monday in January, at Lincolnton, the sum of four dollars per share, to the Treasurer of the company, and the names of those who fail to pay then and there, shall be struck off the books, and others complying with this regulation, may take such shares. And the President and Directors, and their successors, or a majority of them, shall have power, from time to time, as money may be wanted, to make and sign orders for that purpose, and direct at what times, and in what proportion, the subscribers shall pay the sum subscribed; which order shall be advertised in the Salisbury Gazette, and at each of the court-houses of Burke, Iredell, Lincoln and Mecklenburg, at least forty days. *Provided*, that the President and Directors shall not demand from the subscribers more than four dollars per share in one year. And if any of the subscribers shall fail to pay their proportion required, within one month after the same is so advertised, the President and Directors, or a majority of them, may sell, at public auction, and convey to the purchaser, the shares of the subscriber so failing, giving at least forty days notice in the Gazette aforesaid; and all such sales shall be at Lincolnton aforesaid, and the purchasers of such shares shall be subject to the same regulations as if the sale and conveyance had been made by the proprietors.

V. *Be it further enacted*, That from time to time, at the expiration of the time for which the President and Directors may be appointed, the subscribers at their next general meeting, may continue them, or any of them, or chuse others in their stead; and in case of death, resignation, removal or incapacity of any of them, may elect others; and may also, at any of their general meetings, remove the President or any of the Directors, and appoint others for the remainder of the time for which such person or persons were to have acted.

VI. *Be it further enacted*, That every President and Director, before he proceeds to act, shall take an oath or affirmation for the faithful discharge of his office. And there shall be a general meeting of the proprietors at Lincolnton, or such other place as a majority of the company may direct, on the first Monday in January annually, after the first meeting, who shall sit as long as the necessary business may require. And the President and Directors shall make report and render just and distinct accounts of all their proceedings, and the proprietors present, or a majority of them, if they find the accounts just, shall grant a certificate thereof, and make a statement of the same on the books of the company. And at such yearly general meetings, after leaving in the hands of the Treasurer such sum as the majority of the proprietors shall judge necessary for repairs and contingent charges, an equal dividend of the profits arising from the tolls by this act granted, shall be made among the proprietors, in proportion to their several shares. And on any emergency, the President, or a majority of the Directors, in the interval between the yearly meetings, may call a general meeting of the company at Lincolnton, or such other place as may have heretofore been appointed, giving forty days notice as aforesaid.

VII. *And be it further enacted*, That for expences the company must incur in cutting canals, erecting locks, making roads, and doing various things necessary for this Navigation, the said canals, locks, roads, and every work and thing appertaining to the said Navigation, with all the profits arising from the same, or any part thereof, shall be deemed real estate, and shall be exempted from the payment of taxes, imposition or assessment. And the tolls which the company shall or may demand for every thing brought down or carried up through the whole distance of their Navigation, and so in proportion to any part thereof, shall not exceed the following rates, to wit: For every pipe of wine, one hundred and fifty cents; for every hoghead of rum or spirits of any kind, one hundred and fifty cents; for every hoghead of tobacco, one hundred cents; for every cask or barrel, containing from thirty to fifty gallons, fifty cents; and for every small cask or keg, twelve and a half cents; for every bushel of corn, wheat, or grain of any kind, six cents; for every bushel of salt, eight cents; for every barrel of pork or beef, fifty cents; for every barrel of flour, thirty cents; for every ton of hemp, flax, pot-ash, bar or manufactured iron, casting or pig-iron, copper or lead, or for every ton weight of any other article whatever, three hundred cents; for every hundred bushels of lime, three hundred cents; for every ton of limestone, or iron ore, or ore of any kind, three hundred cents; for every hundred of pipe or hoghead staves, fifteen cents; for every thousand hoops, seventy five cents; for every hundred of barrel staves or heading, six cents; for every hundred cubic feet of lumber of any kind, thirty cents; and for every gross hundred weight of all other commodities or packages, fifteen cents; for every hundred weight of cotton, fifteen cents. And every empty boat, on its return, that has paid its toll, shall pass free from tollage. And the President and Directors shall enter the said regulations of toll in their books. And it shall be lawful for the President and Directors, at all times hereafter,



to receive the tolls so assessed, on all goods, produce and commodities which shall be transported through the navigation of the said company, or any part thereof, and they may demand the toll at such place or places as they shall think proper. And if any person shall refuse to pay the toll so laid as aforesaid, the collector may deny passage; and if any person so refusing to pay, shall pass through the Navigation, it shall be lawful for the collector to seize vessel and cargo wherever found, and after ten days public notice, sell the same, or as much thereof at public auction for ready money, as may be necessary to pay the toll and all expences, and the surplus of such sale (if any) shall be returned to the owner.

1801.

Refusing to pay toll.

VIII. *Be it further enacted*, That the President and Directors, or a majority of them, may agree with proprietors for any quantity of land, not exceeding ten acres, at or near the places intended for collecting the toll aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, a jury of twelve good and lawful men shall be summoned, and their valuation shall be the price which the company shall pay; and in case the proprietor refuses to receive the money, it shall be paid into the Clerk's office of the county where the land lieth, and be recorded, together with the location and bounds of the land, and shall be deemed a conveyance in fee, as fully and amply as if made by the proprietor to the said company. *Provided*, that nothing herein contained shall be construed to authorize the President and Directors to seize on, or take any part of the cleared land of any inhabitant, but with his consent.

Land may be purchased:

IX. *Be it further enacted*, That it shall be lawful for every of the proprietors to transfer his share or shares, by deed executed before two witnesses, and registered, after proof of execution, in the company's books, and not otherwise, except by devise, which devise shall be exhibited to the President and Directors and registered, before the devisee shall be entitled to receive any part of the profits from the said tolls. *Provided*, that no transfer shall be made for parts of a share, and that no share shall be transferred or held in trust for the use and benefit, or in the name of another, whereby the President and Directors, or any of them, may be made to answer any such trust, but that every such person appearing as aforesaid to be a proprietor, shall, as to the rest of the company, be considered to every intent as a proprietor; but between any trustee and the person for whose benefit any trust may be created, the common remedy may be pursued.

Shares transferable.

But not parts of shares.

X. *Be it further enacted*, That if the said company shall not complete the said Navigation within fifteen years after the passing of this act, the preference in favour of the said company, with respect to the said Navigation, shall be forfeited.

Limitation

XI. *Be it further enacted*, That the said company, and their successors, shall be capable of purchasing, holding and selling real and personal estate; and if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give the special matter in evidence, and on a verdict against him, or nonsuit or discontinuance, recover costs of suit.

Company may hold estates.

XII. *And be it further enacted*, That when the said company shall have so far completed their Navigation as to be entitled to demand toll from persons making use of the same, they shall render a summary statement of the monies expended on the Navigation to that period, vouched by the oaths or affirmations of the then acting managers, secretary or book-keeper of said company, to be filed in the Secretary's office. And it shall and may be lawful for the State, at any time after the year one thousand nine hundred, to take the said Navigation, and all the works thereunto appertaining for the purpose of Navigation only, on paying the company the monies expended thereon, ascertained by the statement made and filed as aforesaid, with twenty-five per centum advance on such sum, in lieu of all profits and advantages that might hereafter accrue to the said company, were they allowed to retain the same. *Provided nevertheless*, that nothing contained in this act, shall, in any way or manner, tend to affect any ferry or ferries that are or may be established, or ford on said river, further than is necessary for the improvement of the Navigation of the said river. *And provided further*, that nothing in this act contained shall be so construed as to vest in the said company any interest or right to collect tolls herein established, for a longer period of time than ninety-nine years, to be computed from the time the said company shall have completed the said Navigation.

Statement of expence to be filed with Secretary of St.

State may take possession after 1900.

Not to affect ferries

Right for 99 years.

XIII. *And be it further enacted*, That all acts and clauses of acts heretofore made, that come within the meaning and purview of this act, are hereby repealed and made void.

Former acts repealed.

## CHAP. XLIV.

An Act to repeal an act passed last session of the General Assembly, entitled "An act to clear and keep open the Navigation of White-Oak River.

WHEREAS it is found impracticable, and of no public use, to clear and keep open the Navigation of said river:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act, and every part and clause thereof, be and the same is hereby repealed and made void to all intents and purposes.

## CHAP. XLV.

An Act to repeal an act passed in the year 1794, entitled "An act to keep open Little River and Uharie, in Montgomery and Randolph Counties, for the passage of fish up the same.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all parts and clauses of the said recited act, so far as respects mill-dams, be and the same is hereby repealed and made void, any law, usage or custom to the contrary notwithstanding.

## CHAP. XLVI.

An Act to amend part of the fifteenth section of an act passed last session, entitled "An act to revise and amend the Militia Laws."

WHEREAS the above-recited section compels the commanding officer of cavalry to muster his regiment at the place of holding the district courts of the district to which said regiment belongs, and it is found to be inconvenient for a number of the cavalry of the district of Fayetteville:

Preamble.

1801. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the above recited section, or part thereof so far as respects part of the district aforesaid, viz. the counties of Anson and Richmond, is hereby repealed and made void.

Reviews in future. II. *And be it further enacted,* That from and after the passing of this act, it shall be the duty of the commanding officer of cavalry of the district aforesaid, to review the cavalry of said counties, at the court-house in Richmond county; either by himself or one of his Majors, as often as is heretofore required by law, under the same rules and regulations as other cavalry reviews, and subject to the same fines and forfeitures for delinquents as heretofore prescribed by law.

## CHAP. XLVII.

An Act to revive and continue in force, an act, entitled "An act for running the Boundary Line between the Counties of Montgomery and Moore," passed in 1798.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act be, and is hereby declared to be in force until the said line is run, agreeable to the true intent and meaning of said law, and no longer, any thing to the contrary notwithstanding.

## CHAP. XLVIII.

An Act to alter the time of holding the County Courts of Pleas and Quarter Sessions of Cumberland, Sampson and Richmond.

Sampson. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the County Court of Sampson shall be on the first Mondays in the months of February, May, August and November, in every year; and the said Court which shall be held on the second Monday in February next, shall stand adjourned to the first Monday in May following, and all process issuing therefrom shall be made returnable accordingly.

Cumberland. II. *And be it further enacted;* That the County Court of Cumberland shall hereafter be held on the second Mondays in the months of May, August, November and February, in every year; and the said Court which shall be held on the second Monday in January next, shall stand adjourned to the second Monday in May following, and all process issuing therefrom shall be made returnable accordingly.

Richmond III. *And be it further enacted,* That the County Court of Richmond shall hereafter be held on the second Mondays in the months of March, June, September and December; and that the said Court which shall be held on the third Monday in January next, shall stand adjourned to the second Monday in March following, and all process issuing therefrom shall be made returnable accordingly. And all acts and clauses of acts, coming within the purview and meaning of this act, be, and the same are hereby repealed and made void.

*Read three times and ratified in General Assembly,*  
the 19th day of December, A. D. 1801.

J. RIDDICK, Speaker of the Senate.  
S. CABARRUS, Speaker H. Commons.

Copy, WILL. WHITE, Secretary.



## CHAP. XLIX.

An Act to establish an Academy in the city of Raleigh.

1801

WHEREAS the establishing public Seminaries of Learning for the purpose of educating Youth, is essential to the happiness and prosperity of the community, and therefore highly worthy of legislative attention :

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Craven, William White, Sherwood Haywood, Theophilus Hunter, John Ingles, Nathaniel Jones (White Plains) Matthew M'Cullers, William Hinton, Simon Turner, Samuel High, Joseph Gales, John Marshall, William Boylan, and Henry Seawell, Esquires, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Trustees of Raleigh Academy," and by that name shall have perpetual succession and a common seal; and that they the Trustees, and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donors, and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements and hereditaments, of what kind or nature so ever, in special trust and confidence that the same, or the profits thereof, be applied to and for the use and purposes of establishing and endowing the said Academy.

II. *And be it enacted by the authority aforesaid,* That the said Trustees, and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell, or in any manner dispose of and convey, and assure the purchasers of any such lands, rents, tenements and hereditaments whatsoever, when the condition of the grant to them, or the will of the deviser does not forbid it. And further, they the said Trustees, or a majority, shall be able and capable, by the name aforesaid, to sue and plead, be sued and impleaded, in any court within this State. And they shall have power to open and receive subscriptions; and, in general, they shall and may do all such things as are incident and usually done by bodies politic, or such as may be necessary for the promotion of learning and virtue.

III. *And be it further enacted,* That the said Trustees, or a majority, shall have power to appoint such Professors and Tutors as to them shall appear necessary; and also a Treasurer and Secretary, upon such conditions, and with such restrictions, as they may deem proper. And the said Trustees, or a majority, shall have the power to make all such laws and regulations for the government of the said Academy and the preservation of order and good morals therein, as are usually made in such Seminaries, and as to them may appear necessary.

IV. *And be it further enacted,* That upon the death, resignation, inability, refusal to act, or removal out of the county of Wake, of any of the said Trustees, it may be lawful for the remaining Trustees, or a majority of them, to elect others in the room of such Trustee or Trustees, dead, resigned, refusing to act, unable to attend, or removed, and that the Trustee or Trustees so elected, shall have equal power, authority and capacity with the Trustees hereby appointed.

V. *And be it further enacted,* That the public square of land lying and situate in the city of Raleigh, and distinguished in the plan of said city by the name of "Burk Square," be, and the same is hereby granted to the Trustees of the said Academy, and their successors, for the express purpose of erecting their Academy and other buildings thereon, and shall have the absolute right and property therein, to all intents and purposes, as fully and amply as bodies politic and corporate can and may have. *Provided nevertheless,* that they shall have no power or authority to sell, or in any manner dispose of the said public square.

## CHAP. L.

An Act to revive an act, passed in the year one thousand seven hundred and ninety-four, for the regulation of the city of Raleigh, and to amend the same.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the said act be, and the same is hereby revived, and declared to be in full force and effect.

II. *And be it further enacted,* That if any merchant or shopkeeper shall keep his store open on the sabbath-day, for the purpose of selling or retailing any thing thereout; or if he shall sell or retail any merchandize on the sabbath-day, he shall forfeit for each and every offence, the sum of ten pounds, to be recovered by the Commissioners of the city to the use of the same, before any jurisdiction having cognizance thereof.

III. *And be it further enacted,* That the proceedings heretofore done and transacted by the said Commissioners, and all Commissioners since elected for said city, the said acts and proceedings be, and are hereby confirmed and ratified.

IV. *And be it further enacted by the authority aforesaid,* that Joshua Sugg, William Polk and Theophilus Hunter be, and they are hereby appointed additional and permanent Commissioners of the said city of Raleigh, and shall each have and exercise, in all respects, equal powers and authorities with those vested in any of the Commissioners heretofore appointed, or who shall hereafter be appointed for the said city, as well by voting at the Board of the said Commissioners or otherwise, and in all other respects. And all acts and clauses of acts coming within the meaning and purview of this act, and all other acts made relative to the regulation of the said city, be, and they are hereby repealed and made void.

## CHAP. LI.

An Act for establishing an Academy in the county of Duplin.

WHEREAS the good education of Youth has the most direct tendency to promote the virtue, increase the wealth, and extend the same of any people; and as it is the duty of every Legislature to consult the happiness of a rising generation, and endeavour to fit them for an honorable discharge of the social duties of life:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That an Academy for the instruction of youth be established in the county of Duplin, at a place called and known by the name of the Union Meeting-House, in said county, and that William Dickson, William Beck, James Wright, Charles Hooks, Samuel Dunn, and Thomas



1851 Kenan, Esquires, be, and they are hereby declared to be a body corporate, to be known by the name of "The Trustees of the Union Academy," and by that name they and their successors (to be elected in manner hereafter directed) shall have perpetual succession, and shall be capable to sue and be sued; they may purchase lands or other property, and the same dispose of at pleasure; they may receive donations or legacies of money, lands or other property; and in short, may do all things which are common and incident to bodies politic and corporate, for the support and maintenance of the said Academy.

II. *And be it further enacted*, That on the death of any Trustee, resignation, removal or refusal to act, the said Trustees, or a majority of them, shall have power to elect some fit person to serve in his place, who shall have the same powers and privileges as the Trustees named in this act.

III. *And be it further enacted*, That at the first meeting of the Trustees before named, they shall appoint a President, a Treasurer and a Secretary of the Corporation. And the said Trustees, or a majority of them, with their President, shall have power to meet at all times, and at such place within the county as they may think proper, to make and ordain such rules, regulations and laws for the good government of the said Academy (not inconsistent with the laws of this State or of the United States) as shall appear proper and necessary; and they shall have power and may give certificates to such students as shall leave the Academy, testifying the literary merit and the progress they shall have made in useful knowledge.

IV. *And be it further enacted*, That the Trustees, or a majority of them, shall, when convened, have power to employ one or more teachers in the same, by the name of Professors or Tutors, whom they may remove or displace, if necessary, and appoint others in their stead, and shall appoint such other officers as may be necessary, who shall be subject to the laws of the corporate body.

#### CHAP. LII.

An Act to authorise and empower the Trustees of Newbern Academy to raise, by way of lottery, a sum of money for the purpose of building an Academy on the school-house lot in the town of Newbern.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Trustees of Newbern Academy, or a majority of them, shall be, and they are hereby authorised and empowered to raise, by way of lottery, any sum or sums not exceeding three thousand dollars, for the purpose of building an Academy on the school-house lots in the town of Newbern.

II. *And be it further enacted*, That John Devereux, John S. West, and Edward Pasteur, be, and they are hereby appointed Managers to conduct and superintend the said lottery or lotteries, under the inspection and direction of the said Trustees, or a majority of them. And the said Managers shall enter into bond and security for the due and faithful discharge of the trust reposed in them; and the said Managers shall be accountable for the prizes and profits thereof. And in case any of the Managers appointed as above, shall die, or refuse to act, then and in that case, the said Trustees, or a majority of them, shall have full power and authority to fill up such vacancy or vacancies; and the person or persons so appointed by the Trustees, shall be the Manager or Managers for the purpose aforesaid. *Provided always*, that the person or persons so appointed, shall not be Trustees of the said Academy.

III. *And be it further enacted*, That all prizes shall be paid one month after the drawing is finished, upon the demand of a possessor or possessors of a fortunate ticket, subject to a deduction not exceeding fifteen per cent. and all prizes not demanded in six months after the drawing is finished, of which public notice shall be given, within one week thereafter, in the Newbern Gazette, and a list of the fortunate numbers published, the same shall be considered as relinquished for the benefit of said Academy. And the produce of the said lottery or lotteries shall be vested in the Trustees aforesaid, for the purposes aforesaid.

#### CHAP. LIII.

An Act to promote Science and Learning in the county of Rockingham.

WHEREAS the encouragement of Seminaries of Learning for the proper education of youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative attention; and it being represented to this General Assembly, that there is a Seminary of Learning in the county of Rockingham, if encouraged, will be of particular advantage to the inhabitants of that county, and that the Teacher and Students belonging to said Seminary are desirous it should be called Clio Montana:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said Seminary shall be called and known by the name of "Clio Montana."

#### CHAP. LIV.

An Act for the further regulation of the towns of Edenton and Wilmington.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of the town of Edenton, in addition to the powers and authorities they are invested with by an act, entitled "An act for the better regulation of the town of Edenton," passed in the year one thousand seven hundred and ninety-eight, be, and they are hereby authorised and empowered to receive and take entries of all vacant and forfeited lots in the said town, and grant deeds in fee simple for the same, and for all such as have been heretofore entered, but for which no deeds have been executed, to grant the same to the persons entitled thereto, their heirs and assigns.

And whereas the lives of the inhabitants of the said town have been frequently endangered by persons travelling thereto infected with contagious diseases: For remedy whereof,

II. *Be it further enacted*, That the said Commissioners be, and they are hereby fully authorised and empowered, to make and ordain such rules, regulations and ordinances, as they, or a majority of them, shall deem expedient (not inconsistent with the laws of this State or of the United States) to prevent any person or persons whatever from being brought, or coming into the said town, whether by land or water, who shall have, or be supposed to have, any contagious or infectious disease.

III. *And be it further enacted*, That the said Commissioners be authorised to take up the posts standing at the four corners of King and Broad-streets, and to cause to be put down in their places four stones, or cast-iron posts, allowing to each street its proper width, agreeable to the plan of the said town, from whence the measurement of the lines each way of all lots in said town shall begin; which lines, when run by the Commissioners of the said town, shall for ever be esteemed and accounted the rightful and proper lines.



IV. *And be it further enacted*, That if any owner of any improved lot, adjoining to or binding on another lot, shall be desirous of erecting a partition or fence, or of repairing one already erected, he or she shall, in writing, notify the person or persons owning the adjoining lot or lots, his, her or their tenants, or known agents, or persons who have the care thereof, of the same; who may, if they think proper, join in the expence of so doing; but if they refuse so to do, then the owner of such lot may repair or erect a sufficient partition, not exceeding in value the costs of a good and substantial plank fence; and on the refusal of the person or persons owning, possessing, or having the care of the adjoining lot or lots, to pay the one-half of the costs and charges thereof, be entitled to sue for and recover the same before any jurisdiction having cognizance thereof, provided, such adjoining lot or lots is then occupied: *Provided*, that before such recovery, the Commissioners, or a majority of them, shall view the partition or fence, and determine of what value the same may be, and grant a certificate thereof, which shall be sufficient evidence for such recovery.

V. *And be it further enacted*, That the said Commissioners, or a majority of them, shall from time to time, and at all times hereafter, have full power and authority to make such laws, rules and regulations as they shall think expedient and necessary for the safety and security of the said town, under such pains, penalties and forfeitures as they shall prescribe.

VI. *And be it further enacted*, That whenever any fire shall break out in said town, or alarm thereof shall be given, all inhabitants therein liable to do militia duty, shall be bound to repair to the place supposed to be on fire, with fire buckets and other necessary implements, and render every aid and assistance in their power for the extinguishment of the same, under the direction of the Commissioners or officers of the fire company, under the penalty of forty shillings for every neglect or refusal. *Provided*, that the person so failing, making sufficient excuse on oath for such failure, shall be released from the penalty.

VII. *And be it further enacted*, That in case of fire breaking out in said town, which may threaten the destruction thereof, three or more Commissioners of the said town, or three justices of the peace, shall, and they are hereby declared to have full power and authority to direct and cause any house or houses, or other buildings, to be abated, blown up with powder, or otherwise destroyed, to prevent further conflagration, and shall not be held or deemed responsible or liable therefor.

VIII. *And be it further enacted*, That if any person or persons within said town, shall entertain, for money or otherwise, any slave or slaves in his, her or their house or houses, or other place, such person shall, on conviction thereof, forfeit and pay the sum of ten pounds for the first offence, and the sum of twenty pounds for every other offence, to be recovered before any Justice of the Peace, to the use of the said town. And if the offender shall be unable to pay the same, then he shall be committed to close custody, and there remain, without bail or mainprize, for any space of time not exceeding six months.

IX. *And be it further enacted*, That the Commissioners of the said town shall have full power and authority to lease and let out all public lots, commons, or buildings, in said town, for any term not exceeding fifteen years.

X. *And be it further enacted*, That the said Commissioners, or a majority of them, may appoint two constables within the said town, who shall hold their office for one year, unless sooner removed by the said Commissioners, whose duty it shall be to execute and return all orders and process directed to them, or either of them, and to enforce the provisions of this act and the duties and ordinances of the Commissioners, by making information against persons violating the same; and who shall severally, before entering on the execution of their offices, enter into bond with sufficient security, in the sum of one hundred pounds, payable to the said Commissioners and their successors, for the faithful discharge of their duty, and for the punctual accounting and paying to the Treasurer of the Commissioners all fines, forfeitures and other monies, by them or either of them collected for the uses of the said town; and shall also take the following oath: "I, A. B. do solemnly swear or affirm (as the case may be) that I will, so far as in me lies, enforce the observance of the act of the General Assembly, entitled 'An act for the better regulation of the town of Edenton,' passed in the year 1798, and the rules and ordinances made, or to be made, by the Commissioners of the said town, by diligently enquiring into offences against the same, and make information thereof; and that I will not inform against any person from hatred, malice or revenge; nor fail to inform against any one, through fear, favour, affection, reward, or hope of reward: So help me, God."

XI. *And be it further enacted*, That the constables so appointed for the said town, shall be entitled to the same fees as constables are now by law entitled to receive for executing process in similar cases, and such other allowance as the Commissioners from time to time shall allow, to be paid out of the town treasury.

XII. *And be it further enacted*, The books in which the proceedings of the Commissioners are or shall be entered, respecting all matters and things whatsoever done agreeably to this or any other law for the regulation of the said town, be and they are declared to be confirmed; and the said books, or exemplifications thereof, certified by the Clerk, under the seal of the town, shall be held and deemed to be good evidence in any court of law or equity.

XIII. *And be it further enacted*, That all fines and forfeitures, the recovery whereof is not otherwise herein before specially provided for, shall be recoverable in the name of the Commissioners, before any Justice of the Peace of Chowan county, and shall enure to the use of the said town.

XIV. *And be it further enacted*, That the Commissioners of the said town shall meet monthly, on the first day of each month, at some convenient place in the town, and at such other times as they may think proper, for the purpose of discharging the duty enjoined on them, and making regulations and laws; and that every of the Commissioners of the said town be and they are hereby exempted from serving as jurors in any case whatsoever, during continuance in office.

XV. *And be it further enacted by the authority aforesaid*, That so much of the act of Assembly passed in the year 1792, entitled "An act for the better regulation of the town of Wilmington," as directs the merchants, agents and factors of said town, to make return of their stock in trade to the Commissioners thereof, in the month of February in each and every year, shall and the same is hereby declared to stand repealed after the next return to be made in February next.

XVI. *And be it further enacted*, That on the first Monday in the month of December next, and on the first Monday in every December thereafter, returns shall be made by the merchants, agents and factors aforesaid, in manner and under the rules and restrictions directed by the said act of Assembly passed in the year 1792.



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XVII. *And be it further enacted*, That all acts and clauses of acts that come within the purview and meaning of this act, be and they are hereby repealed and made void.

## CHAP. LV.

An Act to regulate the town of Nixonton, in Pasquotank County, and for other purposes therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William Lane, William Brewer, Andrew Knox and James Emison, be and they are hereby appointed Commissioners of the said town of Nixonton; and they and their successors in office, chosen and qualified agreeable to the directions of this act, are hereby authorized to make such by-laws, rules and regulations, from time to time, and at all times hereafter, as they, or a majority of them, shall deem necessary for the advantage, improvement and good government of the said town, such by-laws, rules and regulations, not being inconsistent with the laws and constitution of this State or of the United States. And the Commissioners aforesaid shall have full and ample power to enforce a compliance and observance of such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in case of slaves the punishment not to exceed thirty-nine lashes; the said penalty to be recovered, and the punishment to be inflicted, in manner hereafter mentioned. That in case of death, removal or refusal to qualify, of any of the Commissioners appointed by this act, a Commissioner shall be elected by the freemen of the said town, in the room of the person so dead, removed or refusing to qualify; for which purpose it shall be the duty of the Intendant of Police, and in his absence, of the remaining Commissioners, to notify the Sheriff of the county of Pasquotank of such death or removal, who upon receiving such notice, shall, as soon as may be, after giving ten days previous notice by public advertisement, attend by himself or deputy at the most convenient place in the said town of Nixonton, and at ten o'clock of the day so appointed by advertisement, open the poll, and receive the tickets in the presence of two inspectors; and when the election shall be finished, such officer and inspectors shall examine and number the ballots, and the person having the greatest number of ballots shall be declared duly elected to the office of Commissioner; and the said Sheriff of the county of Pasquotank shall perform the duties aforesaid under the penalty of twenty pounds for every neglect or refusal, to be recovered by action of debt before a Justice of the Peace, by any person who shall prosecute for the same in one year after such neglect or refusal, one-half to the person prosecuting, the other half to the Commissioners, for the use of the town. And the Commissioners so chosen, and those appointed by this act, shall, before they enter on the execution of their office, take the following oath: I, A. B. do swear that I will faithfully discharge the office as Commissioner for the town of Nixonton, agreeably to law, and to the best of my knowledge and judgment: So help me God.

II. *And be further enacted*, That the Commissioners of the town of Nixonton, shall on or before the first Monday in March next, having first advertised the same for five days, meet in the said town at some convenient place, and elect a proper person to act as Intendant of Police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and he is hereby authorized to issue his warrant directed to the Sheriff, Deputy Sheriff or Constable, to summon the offenders against the laws and rules made and provided for the regulation of the said town, to appear before him, and on conviction, which shall be in the manner of trials before Justices of the Peace, the said Intendant of Police is hereby authorized and required to give judgment and award execution agreeable to the laws and rules provided for the government of said town; which warrant or execution the said Sheriff, Deputy Sheriff or Constable is hereby required to execute, and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and issue subpoenas and examine witnesses; and shall take the following oath before he enters on the execution of his office: "I, A. B. do solemnly swear, that as Intendant of Police for the town of Nixonton, I will do equal right in all cases whatever, to the best of my judgment, and according to the laws and rules made for the good government of the said town; all fines and amercements that may happen to be made I will cause duly to be returned to the Commissioners; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to my skill and judgment, do equal and impartial justice to the public and individuals: So help me God." *Provided always*, that the party aggrieved by the judgment or decision of the Officer of Police, shall be at liberty to appeal to the Court of Pleas and Quarter Sessions of the county of Pasquotank, as in other cases.

## CHAP. LVI.

An Act for the better Regulation of the town of Windsor, in Bertie County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the better management of the police and regulation of the town of Windsor, in Bertie county, three persons, owners of at least one improved lot each in said town, and residents in said county, shall be chosen annually, in the manner hereafter prescribed, to act as Commissioners for the said town; which persons, and their successors, by the name of Commissioners for the town of Windsor, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, before any Court or Justice of the Peace.

II. *And be it further enacted*, That the first Saturday in April next, the Constable for the district including the said town, and on the same day in every year thereafter, the Town Constable to be by this act appointed, having given ten days previous notice by advertisement at the door of the court-house of said county, and two other public places in said town, shall publicly, at the said court-house, receive the ballots of those by this act entitled to vote for the said Commissioners. The poll shall be opened by proclamation at the door of said court-house, by or before twelve o'clock at noon of said day, and shall be continued open until four o'clock in the afternoon, when the said poll shall be closed, and the ballots counted publicly, and the three persons, qualified as the first section of this act requires, who have the greatest number of votes, shall be declared duly elected, and the said Constable shall deliver each a certificate thereof.

III. *And be it further enacted*, That all free persons, twenty-one years old and upwards, who have resided within the bounds of said town for one year preceding the day of that election, and who shall have paid a tax to said town, or any person possessed of a freehold in a house or lot within said town, shall be



entitled to vote at the election of said Commissioners; but the Constable shall not vote, unless on counting out the ballots there are not three persons who have a plurality of votes, but some one or more an equality, in which case the Constable shall give the casting vote or votes: And if any dispute arises respecting the qualification of any person claiming to vote, before the ballot shall be put into the box, the person claiming such right shall choose a bylander, the Constable another, and the person disputing the vote a third, who shall immediately determine whether it be a good one according to this act.

IV. *And be it further enacted*, That the first Commissioners elected by this act, shall be authorized to act for the term of one year, to commence on the first day of May next, and end on the last day of April following; and all subsequent Commissioners chosen at the annual elections shall act for a like time, to commence and end on the same days respectively. And in case of a vacancy of Commissioners, the said Constable shall within thirty days after such vacancy, by advertisement at the court-house, and two other public places in said town, call a meeting of the voters for the purpose of electing a successor or successors for the remainder of their time, on a day to be fixed in said advertisement, giving at least ten days notice; the election to fill such vacancy to be held in the same manner in all respects as those for the annual elections, and under the like qualifications.

V. *And be it further enacted*, That the Commissioners for said town shall meet on the first Saturday in May in every year, and appoint a Clerk, a Treasurer, and a Constable for the town, who shall respectively take an oath for the faithful discharge of their respective duties of office, which oath any one of said Commissioners are hereby empowered to administer; and also to give bond and approved security, payable to the Commissioners and their successors, for the faithful discharge of their duties respectively; and shall be allowed by the Commissioners compensations from time to time as the Commissioners may order out of the town treasury, and be subject to the directions of the Commissioners. And if any person should be desirous to inspect or have a copy of any writing in the Clerk's office, it shall be the duty of the Clerk to permit such inspection and to make such copy for the person so applying, on their paying the same sum that the Clerks of the County Courts are allowed for similar services, and be subject to the same penalties.

VI. *And be it further enacted*, That the Commissioners be authorized to assess annually a tax upon all real property within the town, if not exceeding two shillings upon every hundred pounds value, according to the valuation for the collection of public taxes, and a tax not exceeding two shillings upon every taxable poll, residing within the town, to be disposed of for the use of the town by the Commissioners, and to be collected by the Town Constable, who is hereby vested with the same power which any other Constable in said county has in serving precepts and collecting monies within the limits of the town, and the same power to collect the taxes and rents due to the town as the Sheriff has in collecting public taxes.

VII. *And be it further enacted*, That the first Commissioners are hereby directed to cause a new and accurate plan and survey of said town to be made and placed in the office of the Town Clerk; and shall also cause the area or extent of any encroachment on the street or town lands to be ascertained, and shall cause the corners of the lots joining the streets to be marked by setting up posts.

VIII. *And be it further enacted*, That the owner of encroachments shall cause the same to be removed or pay for the use of the town to the Town Treasurer or Constable, a sum or rent by the year to be fixed by the Commissioners not exceeding one shilling for every square foot of the area or extent of their encroachment, but no encroachment shall be made or suffered to remain on the part of the streets which join the river; and the Commissioners are hereby authorized to cause such wharves to be made on the banks of the river as they may think proper to prevent any injury to the navigation, and may make such regulations in said town, and lay such fines, to be recovered before any Justice of the Peace, as they may think necessary for the benefit of said town, not inconsistent with the constituted authorities of this State or the United States.

IX. *And be it further enacted*, That the Commissioners of the said town are hereby authorized to purchase with conveyance to them and their successors, one or more situations, not exceeding five acres in the whole, within the town, or not more than two miles out of town, for the purpose of erecting a house of Divine Worship, school-house, and enclosure for a burial ground; and all of which, when erected, shall be under the direction of said Commissioners and their successors, and by them held for the use of the town and its neighbourhood; and for these purposes, a subscription may be opened, but no part of the funds in the preceding part of this act shall be applied thereto.

X. *And be it further enacted*, That it shall be the duty of the Commissioners to superintend the police of the town, to support the peace and good order of its inhabitants and others who may be there, and for the purpose of suppressing and punishing all riotous, disorderly and profane assemblies, especially on the Sabbath, whether of free persons or of slaves, and generally for the prevention of all criminal trespasses and breaches of the law, the said Commissioners are hereby invested with the power in criminal cases of Justices of the Peace in this State out of Court, during their continuance in office.

XI. *And be it further enacted*, That the Commissioners to be appointed under this act, shall and they are hereby authorized and empowered, and upon application directed, to make conveyances to the persons entitled, for all such lots within the said town as have not hitherto been conveyed by the former commissioners.

III. *And be it further enacted*, That all acts and laws heretofore made for the regulation of the town of Windsor, be and they are hereby repealed and declared of no effect.

#### CHAP. LVII.

An Act for the better Regulation of the town of Waynesborough.

WHEREAS in the year 1786, an act passed for the purpose of erecting a town on the lands of Andrew Bass, called Waynesborough; and by the above recited act, certain Commissioners or Trustees therein named were appointed to superintend the business of said town, vested with full and adequate powers for that purpose; and it being inconvenient (owing to death, refusal to act, or other causes) for said Commissioners or Trustees to discharge the duties of their office entire; and there being but one acting Commissioner now living,

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James Rhodes, Richard M'Kinney, Joseph Everitt, John C. Pinder, Josiah Jernigan, John Garland and James Saffer, be and they are hereby appointed Commissioners or Trustees for the regulation of the town aforesaid:



1801 II. *And be it further enabled*, That the Commissioners appointed by this act, or a majority of them, from and after the passing of the same, shall be and are hereby vested with all the powers, trusts, and authorities of the Commissioners or Trustees named in the above recited act, and that they, or a majority of them, shall have full power and authority to regulate and act on the proceedings of the former Commissioners or Trustees, respecting the town aforesaid, as well as all other matters and things respecting said town: And that the acts and deeds of the above named Commissioners, or a majority of them, when convened on the business of said town, shall be binding to all intents and purposes, in law and equity.

#### CHAP. LVIII.

An act for the regulation of the town of Sneydetborough, in Anson county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of said town shall provide a standard for weights and measures, which shall be kept by the Clerk; and all weights and measures used in said town, shall be at least once in twelve months, regulated thereby, and duly stamped by the Clerk, and any person using weights or measures in said town, not tried and stamped, after a standard is provided, shall forfeit for every offence, the sum of ten dollars, one half to the use of the informer, the other to the use of the town; to be recovered in a summary way, by a warrant from any one of the Commissioners, or any justice of the peace residing in said town.

II. *And be it further enabled*, That the Commissioners shall have power to levy and collect annually a tax on the inhabitants and others holding lands and slaves in said town, a sum not exceeding fifty cents on each poll, and fifty cents on each hundred pounds value of real property in said town, to be applied towards improving said town; and it shall be the duty of persons owning taxable property in said town, on the first day of April in every year, or shortly thereafter, to return a list thereof to the town-clerk, to be entered in a book to be by him kept for that purpose, and the said Commissioners shall immediately thereafter proceed to value and assess the property so returned: And any person failing to make return, of their taxable property as aforesaid, shall be liable to pay a tax equal to double the sum they would otherwise have been liable to, which said tax shall be collected by the officer appointed for that purpose by the Commissioners, in the same manner as other public taxes are collected in this state, and shall be accounted for to the Commissioners, and by them laid out in the improving said town, in such manner as they may direct.

III. *And be it further enabled*, That the said Commissioners shall, at their first meeting after their annual election, annually appoint a Clerk, Treasurer, Constable, and Collector for said town, who shall enter into bond and security to the said Commissioners, for the faithful performance of their duty in office. And the said Commissioners shall be and they are hereby authorized and empowered to make such further rules and regulations, and pass such bye-laws as they shall think proper and necessary for the regulation and good government of said town, not inconsistent with the laws and constitution of this State, or of the United States.

IV. *And be it further enabled*, That in all things to be done or acted by said Commissioners, a majority of them shall be fully competent thereto, and that no person, not being an inhabitant of said town, and not possessing a freehold in lands and houses in fee, of the value of five hundred dollars, shall be eligible as a Town-commissioner, of which the Commissioners shall be judges; and their decision in cases of disputed elections, to be final and conclusive.

#### CHAP. LIX.

An act to amend an act establishing the town of Charlotte, in the county of Mecklenburg:

WHEREAS by the said act it does appear that three hundred and sixty acres of land were granted to John Frohock, Abraham Alexander, and Thomas Polk, as Commissioners in trust for the county of Mecklenburg; and whereas the said tract of land by said act was vested in John Frohock, Abraham Alexander, Thomas Polk, Richard Berry, and George Allen, as Directors and Trustees for establishing thereon a town, by the name of Charlotte, and for other purposes therein expressed, or their successors in office: And whereas the above-recited act doth require, that in case of death, refusal to act, or removal out of the county of any of the said Directors, or their successors in office, appointed in conformity to said act, that then the surviving Directors, or a majority of them, are thereby empowered to nominate such other person or persons in the place of him or them so dying, refusing to act, or removing out of the county, which Director or Directors so appointed, shall have equal power as though expressed by name by said act:

And whereas it is represented to this General Assembly, that all of the said Directors or Trustees mentioned in the before recited act are dead, and it does not appear, that the requisites required by said act have been complied with by said Directors, as there does not exist at this time any person authorized to carry into effect the provisions of said act: And whereas it is represented that records of the proceedings of said Directors, excepting the plan of said town, from some accident or other are lost: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this law, Nathaniel Alexander, Thomas Henderson, John Springs, David Corvan, and William Davidson, be appointed Commissioners of the said town of Charlotte, a majority of whom shall at all times have full power to carry the provisions of this law into effect. And the said Commissioners hereby appointed, shall stand seized of an indefeasible estate in fee in the said three hundred and sixty acres of land, or so much thereof as does appear to remain unsold; and they shall be vested with as full and ample powers to carry into effect the provisions of the before recited act as the Directors named in the said act, or their successors appointed by virtue of the same, could do.

II. *And be it enacted by the authority aforesaid*, That the said Commissioners, and each of them, before they enter upon the duties of said office, shall take the following oath: "I, A. B. do swear that I will faithfully discharge the office of a Commissioner of the town of Charlotte, to the best of my knowledge and judgment."

III. *And be it enacted*, That so soon as said Commissioners shall have constituted themselves as by this law required, they shall be and are hereby considered a body politic and corporate, by the name of the "Commissioners of the town of Charlotte," and by that name to have succession as by this act directed; and



that they and their successors, by the name aforesaid, shall be able and capable in law, to have, purchase, receive, possess and retain, to them and their successors for ever, in trust for the said town, any lands, rents and tenements, of what kind, nature or quality forever; and also grant, sell, demise, alien or dispose of the same, or any the remainder of the before mentioned three hundred and sixty acres of land, that may seem to them to be proper; and also by the same name to sue and implead, and be sued and impleaded, answer and be answered in all courts of record whatsoever; and from time to time, and at all times hereafter, to make such rules, orders, regulations and ordinances, as to them shall seem meet, for the repairing the streets, appointing of patrols, preventing all persons from dealing with slaves not having permission from their master, mistress or overseer; and all such other necessary regulations which may tend to the advantage, improvement and good government of said town; and the said Commissioners shall have full power to enforce a compliance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds; and also the said Commissioners, or their successors, shall annually levy a tax on the property of said town, in such manner as shall to them seem equitable and just; which tax shall be collected by a warrant under the hand and seal of any one of said Commissioners appointed by their body for that express purpose, directed to such person as may be appointed for that purpose; and the collector so appointed, is hereby empowered and directed to collect and make distress for the same, in like manner as collectors of public taxes, and the monies arising therefrom, after deducting six per cent. commissions, shall by him be paid into the hands of the Town Treasurer, and by the Commissioners applied to the improvement of the town.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall be empowered to appoint some person as overseer of the streets, who shall have equal authority as overseers of the roads, and subject to the same penalties; and it shall be the duty of all inhabitants of said town, with the slaves they own, under the direction of said overseer, to work on the streets, who are now or who may be subjected to work on public roads; and the said inhabitants and their slaves, are hereafter exempt from working on the public roads.

V. *And be it further enacted by the authority aforesaid,* That the Commissioners shall appoint one of their body to act as Treasurer, to receive and account for all monies for which a regular entry must be made in a book kept for that purpose; which Treasurer so appointed, before he enters into office, shall give his bond, with good security, payable to the Commissioners and their successors, for the faithful discharge of his duty. They shall also appoint a Clerk of said town to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the Commissioners and their successors, with sufficient security, in the sum of one hundred pounds, for the due and faithful execution of his office and the trust reposed in him for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commissioners during his continuance in office; and the said Clerk is hereby authorized and required to demand and receive from the person or persons in whose hands the same may be, all books, journals and papers belonging to said town; to which books, journals and papers on the proceedings of the Commissioners by this act appointed, all persons shall have free access on the payment of one shilling.

AND whereas many purchasers of lots in said town have neglected to register their deeds, and there is no record or document by which it may be discovered who the present owners are,

VI. *Be it enacted as aforesaid,* That it shall be the duty of every proprietor of a lot or lots in said town, who have failed to register their deeds heretofore, within two years after the passing of this act, to register his deed in the proper office; and all persons failing so to do, shall forfeit all his claim, right or title to such lot or lots conveyed, and the Commissioners, or a majority of them, are hereby empowered and authorized to enter upon, seize and sell such lot or lots, for the best price that can be had, in such manner and under such restrictions as they could or might have done if such lot or lots had before been sold or granted, and the monies arising therefrom applied as heretofore directed.

VII. *And be it further enacted,* That in case of the death, refusal to act, or removal out of the county, of any of the said Commissioners, the surviving Commissioners, or a majority of them, shall and are hereby empowered, from time to time, by instrument of writing under their respective hands and seals, to nominate some other person in the place of him so dying, refusing to act, or removing out of said county; which Commissioner so nominated and appointed, shall from thenceforth have the like power and authority in all things and matters herein contained, as if he had been expressed by name and appointed by this act.

#### CHAP. LX.

An Act for the Regulation of the town of Stateville, in the County of Iredell.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That on the first Thursday of March next, and on the same day in every third year thereafter, the inhabitants of Stateville, and all lot-holders therein, shall meet at the court-house of said county, and there elect by ballot three persons, who shall be inhabitants of said town; which election shall be conducted by two persons to be appointed by the Court of said county for that purpose; and the electors as above described, who are entitled to vote for Members of the General Assembly, shall be entitled to vote in said election: Which persons, when elected, shall be denominated the Commissioners of the town of Stateville, and shall have perpetual succession.

II. *And be it further enacted,* That the Commissioners of the town of Stateville, when so elected, they or a majority of them, or their successors in office, shall have full power and authority to make all rules, regulations and by-laws for their own regulation, and for opening, extending and cleaning the streets, and shall have power to remove all obstructive encroachments and nuisances whatsoever from the streets of said town, at the expence of the person or persons making such obstructions, encroachments and nuisances whatsoever.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, or their successors in office, shall have power to lay a tax on all polls in said town, not exceeding two shillings on each poll, and a tax not exceeding two shillings on every hundred pounds value of town property; which taxes shall be collected and accounted for, and appropriated for the above purposes, as they or a majority of them shall direct.



IV. *And be it further enacted by the authority aforesaid,* That said Commissioners shall have power to appoint a Treasurer, whose duty it shall be to collect and account for all monies, agreeably to the rules of said Commissioners, for the improvement of the streets of said town; and said Commissioners, or a majority of them, or their successors in office, shall have power to make all necessary by-laws for the good government and improvement thereof: *Provided* said laws be not inconsistent with the constitution and laws of this State and of the United States.

## CHAP. LXI.

An Act to amend an Act, entitled "An Act establishing a Town at the Court-House in the County of Buncombe.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, in addition to the Commissioners heretofore appointed, that the following persons be appointed, to wit: Robert Humbleton, Alexander Ferguson, and Jeremiah Cleveland, be appointed Commissioners to act with those heretofore appointed that continue to reside in the said town.

II. *And be it further enacted,* The Commissioners aforesaid, or a majority of them, shall have full power and authority to make such rules, by-laws and regulations as they, or a majority of them, may think necessary for the good government of said town.

III. *And be it further enacted by the authority aforesaid,* That a majority of the said Commissioners shall constitute a quorum. In case of death, refusal to act, or removal out of the county, the remaining Commissioners shall fill up such vacancy.

IV. *And be it further enacted,* That no person shall retail spirituous liquors by the small measure in the town of Ashville, until he or she have first applied to the Commissioners appointed for said town, and have obtained from them a certificate of their permission for that purpose; which certificate and permission shall be valid and in force the term of one year, and no longer. Every person who shall retail spirituous liquors by the small measure in the town of Ashville after the passing of this act, without first obtaining a permission of the Commissioners as aforesaid, shall forfeit and pay the sum of five pounds, to be recovered in any jurisdiction having cognizance thereof, by any person or persons suing for the same, the one half to the use of the prosecutor, and the other half to the use of the said town, to be applied by the said Commissioners to the use of repairing and keeping in good order the streets of the said town of Ashville; any law, usage or custom to the contrary notwithstanding.

## CHAP. LXII.

An Act to alter the Name of Elizabeth-Town, in the county of Pasquotank, to that of Elizabeth-City; and the Name of Elizabeth-Town, in the county of Tyrrell, to that of Columbia.

WHEREAS considerable inconvenience is found to arise from there being more than one town in this State of the same name:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the name of Elizabeth-town, in the county of Pasquotank, shall be known and distinguished by the name of Elizabeth-City; and the name of Elizabeth-town, in the county of Tyrrell, shall be known by the name of Columbia; and shall be subject to all the rules and regulations, and entitled to all the privileges, which are expressed by laws heretofore made for the government of the said towns.

## CHAP. LXIII.

An Act to amend an Act, entitled "An Act to lay off and establish a Town near Fort Johnston, on the West Side of Cape Fear River, in Brunswick County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That on the second Monday of July next, an election shall be held by the Sheriff of Brunswick county, at the house of John Baptist Gramach, in the town of Smithville, for the purpose of electing Commissioners for said town, in the following manner, to wit: The Sheriff of said county shall advertise at two or more public places in the said town of Smithville, at least fifteen days before the day herein appointed for the election of Commissioners, on which day the Sheriff, or his deputy, shall attend at the place appointed, with two Inspectors by him to be chosen, who shall and may receive from every free person residing in said town, and owning a lot therein, his vote by ballot for five Commissioners, who shall be freeholders in said town, by owning a house and lot therein, and whose most usual residence shall be in the said town of Smithville. And the said Sheriff shall open the poll for taking the ballots aforesaid, and continue the same until six o'clock in the afternoon; when the said poll shall be closed, and the Sheriff shall thereafter, in the presence of the Inspectors, proceed to count the ballots given as herein directed; and the five persons having the greatest number of votes, shall by the said Sheriff be declared duly elected for the term of two years, and for that period shall have and possess all and singular the powers and authorities heretofore vested in the Commissioners of the said town of Smithville.

II. *And be it further enacted,* That if in casting up the votes for Commissioners aforesaid, it shall be found that any two persons have an equal number of votes, then and in that case the Sheriff, or his deputy, presiding at any such election, shall and may give the casting vote; and the person to whom the same shall be given, shall be considered as duly elected.

III. *And be it further enacted;* That there shall be every two years after the election above-mentioned, an election held for Commissioners of the said town of Smithville, in the manner and under the rules and regulations herein prescribed for the election in July next, reserving to the Commissioners the right of fixing on any other place for holding said election than the one herein mentioned; and the Commissioners to be elected from time to time, shall have and they are hereby declared to have, all and singular the powers and authorities by law vested in the Commissioners heretofore by law appointed.

IV. *And be it further enacted,* That before entering on the discharge of the duties of his office, each and every Commissioner shall take an oath faithfully and diligently to perform the several duties of a Commissioner according to the best of his skill and ability.

## CHAP. LXIV.

An Act to establish a Town at or near Woody's Ferry, on Haw River, in Orange County, and other purposes therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the President and Directors of the Deep and Haw River Company, be



and they are hereby appointed Commissioners, with full power and authority to purchase such quantity of land as they or a majority of them shall deem proper, at or near Woody's Ferry, on Haw River; which land, when purchased, a part thereof shall be by the said Commissioners laid off into a town by the name of Newmarket. And the said Commissioners are hereby required to sell the said lots at public vendue, giving thirty days notice; and the profits arising therefrom apply to the sole use and benefit of the Deep and Haw River Navigation Company, to be used by them as they shall direct, agreeably to an act of this General Assembly, entitled "An act to improve the Navigation of Cape Fear River, and Deep and Haw Rivers."

II. *And be it further enacted*, That the aforesaid Commissioners hereby appointed by this act for laying off the said town of Newmarket, shall and they are hereby further requested and empowered to lay out and designate lots in said town, for the purpose of erecting warehouses and other buildings for the inspection of tobacco, beef, pork, flour, and other commodities that may require inspection; which places, when so designated, are hereby declared to be appropriated for the said purposes, and shall likewise be under the management and direction of the said Deep and Haw River Company, in every instance and respect where the same is not or may not be provided for by the laws of this State.

III. *Be it further enacted*, That the County Court of Orange, whenever the same may be requisite, shall and they are hereby required to appoint Inspectors to inspect the produce or commodities that may require inspection, and likewise such number of inspectors as the commerce of the place may require; which Inspectors, when so appointed and qualified as by law directed, shall possess and enjoy all the powers, privileges and immunities, as such, that Inspectors of like nature in this State have a right to use or exercise in each of their respective capacities, whether Inspectors of tobacco, beef, pork, flour, or any commodity whatever.

IV. *And be it further enacted*, That the rents which may accrue from the warehouses and other buildings to be erected by virtue of this act, shall and may be collected by a collector appointed by the said Navigation Company for that purpose, who when appointed shall possess and enjoy all the powers and authorities that any collector of public taxes in this State have a right to, and shall by virtue of his office disclaim for arrearages that may accrue, and shall be accountable to the Company for the same, any thing to the contrary notwithstanding.

V. *And be it further enacted*, That all the proceedings of the Commissioners and Intendant of Police for the town of Haywood, and all the acts they have done or may do hereafter, agreeably to law, shall be as valid as if the Commissioners and Intendant of Police had been qualified within the time limited by law.

VI. *Be it further enacted*, That all persons who have a deed or deeds for a lot or lots in the town of Haywood, shall be entitled to vote for Commissioners of said town; which election shall be held on the first Friday in August in each and every year.

VII. *And be it further enacted*, That the tenth section of an act for the better regulation of the town of Haywood, be and the same is hereby repealed and made void.

#### CHAP. LXV.

An Act to amend an Act, entitled "An Act for fixing on the Place for erecting a Town on Broad River, and for building a Warehouse in the County of Rutherford, for the Inspection of Tobacco."

WHEREAS it is represented to this General Assembly, that the Commissioners, by virtue of the before recited act, did purchase fifty acres of land, and establish a town thereon by the name of Burr, which establishment is found not sufficient to answer the intended purpose, as not having back lands enough to support the said town: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the aforesaid Commissioners, Joseph Camp, William Graham, William M'Brier, Abraham Erwin and Aaron Bridges, who are hereby authorized and empowered to purchase two hundred acres of land, adjoining the lands already by them purchased, for the purposes aforesaid.

II. *And be it further enacted by the authority aforesaid*, That in case either of the Commissioners shall die, remove or resign, or refuse to act, the Commissioners, or a majority of them, shall be and are hereby authorized and empowered to appoint some other person or persons, under their hands and seals, who is or are hereby invested with full powers to act with the Commissioners by this act appointed, in as full and ample a manner to all intents and purposes as if mentioned in this act, any thing in the before mentioned law to the contrary notwithstanding.

#### CHAP. LXVI.

An Act to empower the County Court of Chowan to apportion the duties of the Inspectors of Merchantable Commodities of the said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the County Court of Chowan shall, at their first term which shall happen after the first day of January next, divide and lay off the said county in three different districts, for the purpose of apportioning the duties of each of the three Inspectors of the said county.

II. *And be it further enacted*, That it shall be the express duty of each Inspector to attend in that district only, for which he shall or may be appointed by the said Court, and to inspect the commodities as required by the several acts of the General Assembly in such case made and provided, and under the same penalties and regulations.

III. *And be it further enacted*, That the Inspector appointed for one district, shall not be authorized to inspect any commodities but in that district for which he was appointed, under the penalty of five pounds for each and every offence, to be recovered before any justice of the peace, to the sole use and profit of the Inspector of that district wherein the same was committed: *Provided always*, That if the Inspector of any of the districts should be unable to attend, by sickness or any other unavoidable accident, or fail to attend when application shall be made for the inspection of any commodity in his district, then and in that case it shall be lawful for any of the two other Inspectors to attend and inspect as if it was his own district, without incurring the penalty herein mentioned; any law or usage to the contrary notwithstanding.



## CHAP. LXVII.

1801 An Act to establish an Inspection of Tobacco on Dan River, on the land of Colonel Abialom Bestick, in Stokes County.

WHEREAS it is represented that it would tend much to the convenience of the inhabitants of Stokes, and the neighbouring counties, to have an inspection at the before recited place:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the County Court of Stokes, shall and may appoint two discreet and careful men, well acquainted with the nature of tobacco, to be Inspectors thereof at the aforesaid inspection, who shall take the same oath, and be subject to the same rules, regulations and restrictions, and shall be entitled to the same fees, emoluments and immunities as other Inspectors of tobacco are; any thing to the contrary notwithstanding.

## CHAP. LXVIII.

An Act to annex part of Pitt County to Edgecomb.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all that part of Pitt county, bounded as follows, shall be added to the county of Edgecomb: Beginning where Edgecomb county-line crosses Coneto Creek, near Samuel Crisp's; then down said creek to Christopher Harrod's plantation; then nearly West to Edgecomb county-line, so as to include James Summerlin; and all that part North of said line shall hereafter be part of the county of Edgecomb, and under the same rules and regulations as the said county of Edgecomb is or may be: *Provided,* That nothing herein contained shall prevent the Sheriff of Pitt county from collecting the taxes due from the said inhabitants.

II. *And be it further enacted,* That William Wilkinfon, Allen Arkerfon, John Staniel, Nathan Staniel, James Averitt, William Cherry, senior; they or a majority of them, are authorized and required to run and mark the lines agreeably to the aforesaid act, and make return of their proceedings to the next Courts to be held for the counties of Pitt and Edgecomb, to be recorded under the directions of said Courts; any law to the contrary notwithstanding.

## CHAP. LXIX.

An Act to confirm the Titles to Lands entered in Beaufort or Martin counties, and to ascertain the Boundaries of the said counties.

WHEREAS the act of Assembly which establishes the county of Martin, describes the Southern boundary of the same to run by the Pitt line to the Beaufort line, to the head of Welch's Creek; and as a part of that line has never been run, disputes may arise respecting lands granted contiguous to the line:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That where any vacant lands may have been entered or granted in either of the counties of Beaufort or Martin, the same shall have preference and effect according to the date of the entry, as fully as though it had been made in the county where the land may prove to be on running the line.

II. *And be it further enacted,* That the County Courts of Beaufort and Martin, be and they are hereby authorized and empowered to appoint each of them two persons as Commissioners, who with the surveyors of said counties, shall run the said dividing line as prescribed in the before recited act: *Provided nevertheless,* That nothing in this act shall prevent the Sheriffs of said counties, or their securities, from collecting the arrears of taxes which are due, within the present respected bounds of the counties aforesaid.

## CHAP. LXX.

An Act to annex part of Tyrrel to Washington County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all that part of Tyrrel lying and being on the South and West side of Indian Swamp, and the canal beginning at the present dividing line of said counties, in such place as shall make a straight course to the centre of the Indian Swamp Bridge, thence in a straight direction to the mouth of the canal, thence up said canal to Lake Phelps, thence a South course to Hyde county-line, shall remain and constitute a part of Washington county.

II. *And be it further enacted by the authority aforesaid,* That all the inhabitants residing between the former dividing line of Washington and Tyrrel, and the above described boundaries, shall do and perform public duties, and be subject to the same rules and regulations in Washington county, as other citizens of said county are subject to: *Provided nevertheless,* That nothing herein contained shall be so construed as to prevent the Sheriff of Tyrrel from collecting any arrearages of taxes that are or may be due him in that part of Tyrrel which is annexed to Washington county by this act.

III. *And be it further enacted,* That Woolsey Hatchaway and Richard Davis be, and they are hereby appointed Commissioners on the part of Tyrrell, and James Jones and John Sleight, Commissioners on the part of Washington, and Alfa Phelps Surveyor for running the line between said counties; and that it shall be the duty of said Surveyor and Commissioners, or a majority of them, after completing the running of said line, to return a fair plat to the Court of each county, to be recorded by their respective Clerks; for which services the Court of each county shall make him compensation adequate to the same, and the expenses so incurred shall be mutually paid by said counties: And that this act shall take effect and be in force from and after the first day of February next.

IV. *And be it further enacted,* That all acts and clauses of acts contrary to the true intent and meaning of this act, be and the same are hereby repealed and made void to all intents and purposes.

## CHAP. LXXI.

An Act to annex part of the county of Craven to Greene.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all that part of the county of Craven lying in the fork of Great and Little Contentnea Creek, shall be, and the same is hereby added to the county of Greene to all intents and purposes whatsoever: *Provided,* that nothing herein contained shall prevent the Sheriff of Craven county, from collecting the arrearages of taxes which were due before the passing of this act, in the same manner and under the same rules, regulations, and restrictions as if this act had never been passed; any thing to the contrary notwithstanding.



## CHAP. LXXII.

An Act to annex part of the county of Beaufort to Craven county.

1801

WHEREAS it is represented to this General Assembly, that it would be of considerable utility to a number of persons to annex that part of Beaufort county that lies between Jones's and Bay Rivers, to the county of Craven :

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all that part of Beaufort county that lies within the following bounds, viz. Beginning at the head of Jones's Bay, and running a direct line to Bay River Bridge, near Palmer's cabbins; thence down the meanders of said Bay River to Jones's Bay, thence with said bay to the beginning.

II. *And be it further enacted,* That the County Court of Beaufort, shall in future appoint only six jurors to the Superior Court, and the County Court of Craven shall appoint one more juror in addition to the number now appointed to the Superior Court.

III. *And be it further enacted by the authority aforesaid,* That nothing in this act shall be so construed as to prevent the Sheriff of Beaufort from collecting the arrears of taxes due in the before recited bounds, or such persons as have made entries of lands from perfecting titles to the same.

IV. *And be it further enacted,* That all persons living within the before mentioned bounds, shall be liable to do all public duties in Craven county, in all respects as they were compelled to do in Beaufort county, any thing to the contrary notwithstanding.

## CHAP. LXXIII.

An Act directing the manner in which the Sheriffs of Buncombe and Wilkes counties shall hereafter collect and pay out the Taxes of said counties, and other purposes therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, any tax to be laid by the County Courts of Buncombe and Wilkes, to defray the county contingencies respectively, or charges against the counties, shall be collected by the Sheriff in the currency of the State, and by them paid out to the County Treasurers, and not otherwise, under the penalty of five hundred pounds, to be sued for in the name of the Chairman of the Court, and applied to the uses of the counties respectively. And the said Treasurer, before he enters upon the duties of his office, shall in open Court give bond, with approved security, in the sum of five hundred pounds, payable to the Chairman of the Court, for the uses of the counties respectively, for the faithful discharge of the duties of his office as County Treasurer.

II. *And be it further enacted,* That all claims against the county which have heretofore been obtained or shall hereafter be obtained, shall be entered with the County Comptroller within one year after the ratification of this act, or within one year after the same shall be obtained, in a book by him to be kept for that purpose, with their numbers and dates; and the County Treasurer shall pay off the same according to their several dates in the currency of this State, and not otherwise; and the said Treasurer shall at the expiration of twelve months for which he was appointed, make a final settlement with the Court, fairly stating all monies and bonds, notes and judgments, that have been put in his possession for the use of said county, and likewise a just account of all monies by him paid out: And in case any Treasurer shall fail fully to account with the Court as aforesaid, he shall not be eligible to hold any other appointment of profit or trust for one year in said county; and it shall be the duty of the County Solicitor to move in Court for scire facias to issue against such delinquent Treasurer, and all other county delinquent officers.

## CHAP. LXXIV.

An Act to authorise the County Courts of Johnston, Wayne, Lenoir and Greene, to appoint some proper person or persons to provide books and transcribe certain old records now in the county of Lenoir.

WHEREAS the county of Johnston has been divided and subdivided into the counties of Wayne, Lenoir and Greene, the records of which are at present lodged in the county of Lenoir; and all the said counties having an interest in the preservation of them, and as much inconvenience has been experienced in procuring copies therefrom, owing to the distance from some of the said counties, as well as the obliterated state in which they now appear:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the County Courts of Johnston, Wayne, Lenoir and Greene respectively, be authorised to appoint some proper person or persons to procure books, with proper alphabets, for each county, and transcribe such of the records aforesaid as they may deem necessary; as also to appoint two proper persons in each county to examine the same, so far as respects said county, and when reported to be correct copies thereof, shall be held and deemed to be good evidence in any court of record, either in law or equity.

II. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed by each County Court aforesaid, shall take the copies which belong to their counties respectively, and deliver them to their County Court, to be deposited in the Register's office, and shall become part of the record of said county.

III. *And be it further enacted,* That the County Courts aforesaid shall have full power and authority to lay a tax sufficient to compensate such persons transcribing said records, as well as those appointed to examine the same; which sums shall be respectively by the Courts allowed them for their services.

## CHAP. LXXV.

An Act to empower the County Court of Franklin to appoint a proper person to copy the Register's books of said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a majority of the Justices of the County Court of Pleas and Quarter Sessions for the said county may, whenever they deem it necessary, appoint two persons in said county to examine the books in the Register's office, and report to the next court the situation of the said books, and how many and what part of them need transcribing; and if it shall appear to a majority of the Justices of said Court that it is necessary to transcribe any part of said books, they shall appoint some person in said county to purchase a book or books, and copy, in a fair and legible hand, such book or books as may have been reported to require the same.



1801 II. *And be it further enacted*, That when the person so appointed by the said Court, shall have completed the said business as by this act required, the book or books wherein such entries are made, together with the old books, shall be committed to the examination of the two men appointed to examine the books aforesaid, who may make such correction as they may deem necessary, so as to render them conformable to the originals, and shall sign such book or books, and certify that they are accurately and literally copied; and such books, and all certified transcripts therefrom, shall have the same authenticity as the originals would have been entitled to in all the courts of record in this State.

III. *And be it further enacted*, That the said Court shall allow the examiners, and the persons appointed to transcribe the said book or books, a sum adequate to their services, to be paid out of the county tax.

#### CHAP. LXXVI.

An Act for transcribing certain records in the county of Perquimons.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the County Court of Perquimons be authorized to appoint proper persons in said county to procure books, and transcribe such of the records of said county as in their opinion may be deemed necessary, and accompany each book with a complete alphabet; as also two other persons properly qualified to examine the same; and when reported to be correct copies therefrom, shall be held and deemed good evidence in any court of record.

II. *And be it further enacted*, That the Court of said county shall have full power and authority to lay a tax to compensate such persons transcribing said records, as well as those appointed to examine the same; which sums shall be respectively by the Court allowed them for their services.

#### CHAP. LXXVII.

An Act making further compensation to the Superior Court Jurors for the district of Wilmington.

WHEREAS by the present existing laws, the Jurors of the Superior Courts of Wilmington are not entitled to an adequate compensation for their services: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, each Juror summoned to attend the Superior Court at Wilmington, shall for his services be entitled to fifteen shillings for each day he shall attend as a Juror, and fifteen shillings for every thirty miles travelling to and from the said Court, with their ferriages.

#### CHAP. LXXVIII.

An Act making compensation to the Jurors of Johnston County Court.

WHEREAS it has been found impracticable to collect a sufficient number of the Justices of said County Court at any one time in Court, for the purpose of providing for the payment of the Jurors of said county, as required by an act of the General Assembly passed in the year 1799; and it being the desire of the citizens of the said county, that its Jurors should be compensated: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Jurors appointed, and who shall regularly attend the County Court of Johnston, at each and every term hereafter, shall be entitled to receive for each and every day he or they may attend as aforesaid the sum of five shillings, and five shillings for every twenty-five miles travelling to and from the said Court, for which each Juror shall obtain a certificate from the Clerk of said Court, and the said certificate shall be paid off by the County Treasurer or Trustee, under the same rules as prescribed for payment of Jurors of the Superior Courts.

II. *Be it further enacted*, That on all suits which may hereafter be brought in the said County Court of Johnston, and on all appeals which may be returned to the said Court, there shall be laid a tax of twelve shillings, which shall be taxed in the bill of costs, and collected in like manner as the public tax on suits heretofore used.

III. *Be it further enacted*, That the Clerk of the said County Court shall, within five days after the rising or expiration of each term of the Court, account with and pay to the County Treasurer the full amount of taxes on all executions or judgments which may have been satisfied or discharged at the preceding Court, and shall render the same on oath (which oath the said Treasurer is hereby authorized to administer) in an account stated at length, with the names of the parties to such judgments or executions, which tax, when received by the said Treasurer, shall be deposited in the common treasury by him kept, with all other monies received.

IV. *Be it further enacted*, That it shall be the duty of the Treasurer of the said county to report to the Court of his county annually the state of the treasury, together with the amount of taxes arising from all and every species of property by the said Court taxed, and also the amount arising from suits; and at the same time the amount of disbursements, as well to jurors as for other purposes; and in case of failure shall forfeit and pay the sum of one hundred pounds, to be applied to the use of said county, to be recovered in the name of the Justices of said county; for which purpose the County Solicitor shall, on application, bring suit, wherein the *onus probandi* shall lie on the defendant.

V. *And be it further enacted*, That a majority of the acting Justices of said county, shall at their first session to be held after the passing of this act, and from thence annually for each and every year ensuing, if they shall deem it expedient, lay and assess a county tax on every hundred acres of land not exceeding two-pence, on every poll not exceeding six-pence, and on every hundred pounds value of town property not exceeding six-pence, to be collected and accounted for as other county taxes in said county, any law to the contrary notwithstanding.

#### CHAP. LXXIX.

An Act to alter the mode of raising money to defray the expences of the Jurors from the county of Burke to the Superior and County Courts, and other purposes therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Sheriff to collect the taxes to be laid by the County Court of Burke, to defray the expence and discharge the claims against the county for services of the Jurors to the Superior and County Courts, in the currency of this State, or in gold and silver, and pay the same over to the County Treasurer, in like money, and not otherwise, under the penalty of five hundred pounds, to be sued for by action of debt, in the name of



the Clairman of said Court, before any jurisdiction having cognizance thereof, and to be applied to the use of the county, to discharge the Superior and County Court jury claims already granted, or which hereafter may be obtained for like services. 1802

II. *And be it further enacted*, That in addition to the taxes to be laid by the Court for the payment of the claims of the Jurors from said county, the sum of fifteen shillings on every civil suit hereafter to be commenced in said County Court, and ten shillings on every appeal that shall hereafter come into said Court from any Justice of the Peace, and fifteen shillings on every indictment, to be paid by the party cast in the costs at the final determination thereof; which several sums shall be taxed in the bill of costs, and collected by the Sheriff as other costs, and by him paid to the County Treasurer, to be applied to the payment of the Superior and County Court Jurors. *Provided*, That in case of insolvency or failure of payment by the party or parties in case of indictments, the State shall not be liable to make good the same.

III. *And be it further enacted*, That any person holding any certificate for services done as a Juror to the Superior or County Courts, shall exhibit the same to the County Treasurer, within six months after the passing of this act, and all certificates hereafter to be obtained for like services, shall also be exhibited to the County Treasurer within six months after they are granted by the Clerk; and the County Treasurer is hereby directed to enrol the said claim in a book by him to be kept for that purpose, certifying the dates and sum of the several claims, together with the time when exhibited to him.

IV. *And be it further enacted*, That on application to the County Treasurer, it shall be his duty to pay off and discharge the claims of the said Jurors according to the dates of the several emoluments in his book, in specie, and not otherwise, under the penalty of one hundred pounds, to be recovered in any Court having jurisdiction thereof, to the use of the person suing for the same; and it shall not be lawful for him to pay any one person more than five pounds in any one year, except for services by himself performed as a Juror, without he shall first make oath that he receives it for his own use and benefit, and that he hath paid the full amount thereof to the original claimant without fraud or deduction, which oath the County Treasurer is hereby authorised to administer.

V. *And be it further enacted*, That an act of the General Assembly, passed at Raleigh in the year one thousand seven hundred and ninety-nine, authorising the several counties therein mentioned to appoint County Comptrollers, so far as relates to the county of Burke, is hereby repealed and made void.

VI. *And be it further enacted*, That all acts and clauses of acts that come within the purview of this act, are hereby repealed and made void.

#### CHAP. LXXX.

An Act to revive and continue in force an Act passed last session of the General Assembly, making compensation to the County Courts Jurors for the counties of Rowan and Carteret, so far as relates to the county of Rowan.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the before recited act, so far as respects the county of Rowan, shall be and continue in full force, any thing therein contained to the contrary notwithstanding.

#### CHAP. LXXXI.

An Act making compensation to the Jurors of Craven County Court.

WHEREAS it has been found impracticable to collect a sufficient number of the Justices of said County Court at any one time in Court for the purpose of providing for payment of the Jurors of said county, as is required by an act of the General Assembly passed in the year 1799, and it being the desire of the citizens of the said county that its Jurors should be compensated: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Jurors appointed and who shall regularly attend the County Court of Craven, at each and every term hereafter, shall be entitled to receive for each and every day he or they may attend as aforesaid, the sum of six shillings, and six shillings for every thirty miles travelling to and from said Court, for which each Juror shall obtain a certificate from the Clerk of the said Court, and the said certificate shall be paid off by the County Treasurer or Trustee, under the same rules as are prescribed for the payment of Jurors to the Superior Courts.

II. *Be it further enacted*, That on all suits which may hereafter be brought in the said County Court of Craven, and on all appeals which may be returned to the said Court, there shall be laid a tax of ten shillings, which shall be taxed in the bill of costs, and for all suits on land causes the sum of twenty shillings, and on all other causes where the jury shall be needful, fifteen shillings, to be collected in like manner as the public tax on suits heretofore used.

III. *Be it further enacted*, That the Clerk of the said County Court shall, within five days after the rising or expiration of each term of the Court, account with and pay to the County Treasurer the full amount of taxes on executions or judgments, which may have been satisfied or discharged at the preceding Court, and shall render the same on oath, which oath the said Treasurer is hereby authorised to administer; and an account stated at length, with the names of the parties to such judgment or execution: Which tax, when received by the said Treasurer, shall be deposited in the common treasury by him kept with all other monies received.

IV. *Be it further enacted*, That it shall be the duty of the Treasurer of the said county to report to the Court of his county annually the state of the treasury, together with the amount of taxes arising from all and every species of property by the said Court taxed, and also the amount arising from suits; and at the same time the amount of disbursements, as well to Jurors as for other purposes; and in case of failure, shall forfeit and pay the sum of one hundred pounds, to be applied to the use of said county, to be recovered in the name of the Justices of said county, for which purpose the County Solicitor shall on application bring suit, wherein the burthen of the proof shall lie on the defendant.

V. *And be it further enacted*, That a majority of the acting Justices of said county, shall at their first session to be held after the passing of this act, and from thence annually for each and every year ensuing, if they shall deem it expedient, lay and assess a county tax, on every hundred acres of land not exceeding two-pence, and on every poll not exceeding six-pence, and on every hundred pounds value of town property not exceeding nine-pence; to be collected and accounted for as other county taxes in said county, any law to the contrary notwithstanding.



1851

## CHAP. LXXXII.

An Act making compensation for the Jurors of Chowan county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Jurors appointed and who shall regularly attend the County Court of Chowan, at each and every term, shall be entitled to receive for each and every day he or they may attend, the sum of five shillings, and five shillings for every thirty miles travelling to and from the said Court, for which each Juror shall obtain a certificate from the Clerk of the said county, and the said certificate shall be paid off by the County Treasurer or Trustee, under the same rules as are prescribed for the payment of Jurors to the Superior Court.

II. *Be it further enacted,* That on all suits which may hereafter be brought in the said County Court of Chowan, there shall be laid a tax of five shillings, which shall be taxed in the bill of costs; and for all suits on land causes the sum of ten shillings, and on all other causes where the jury shall be needful, the sum of five shillings, to be collected in like manner as the public taxes on suits heretofore used.

III. *Be it further enacted,* That the Clerk of the said County Court shall, within five days after the rising or expiration of each term of the Court, account and pay to the County Treasurer or Trustee the full amount of taxes on executions or judgments which may have been satisfied or discharged at the preceding Court, and shall render the same on oath, which oath the said Treasurer is hereby authorized to administer; and an account stated at length, with the names of the parties to such judgment or execution: Which tax, when received by the Treasurer, shall be deposited in the common treasury by him kept with all other monies received.

IV. *Be it further enacted,* That it shall be the duty of the Treasurer of the said county, to report to the Court of his county annually the State of the treasury, together with the amount of taxes arising from all and every species of property by the said Court taxed, and also the amount arising from suits; and at the same time the amount of disbursements, as well to Jurors as for other purposes; and in case of failure, shall forfeit and pay the sum of one hundred pounds, to be applied to the use of the county, to be recovered in the name of the Justices of the said county, for which purpose the County Solicitor shall on application bring suit, wherein the burthen of the proof shall lie on the defendant.

V. *And be it further enacted,* That if the monies raised by the taxes on suits as heretofore mentioned, are insufficient to discharge the certificates of the said Jurors, then the said County Treasurer shall pay the surplus out of the fines, forfeitures and amercements collected under an act passed by the present General Assembly, and shall be allowed accordingly in the settlement of his accounts.

VI. *And be it further enacted,* That if after paying the Jurors aforesaid, there shall remain any monies raised by virtue of the said act, then and in that case it shall be in the power of the majority of the Court of the said county, if they think it proper, to apply the overplus of the said monies towards repairing any part of the jail which in their judgment shall require immediate repair.

## CHAP. LXXXIII.

An Act to empower the County Court of Chowan to lay a tax on the inhabitants of the said county, for the purpose of building a house for the reception and employment of the poor thereof.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Court of said county, are hereby empowered to lay a tax at any term previous to the sitting of the next General Assembly for the year one thousand eight hundred and two, and the year one thousand eight hundred and three, not exceeding two shillings on each poll, eight-pence on every hundred acres of land, and two shillings on every hundred pounds value of town property within the said county; which tax shall be collected by the collectors of the public tax, and accounted for in manner as by this act directed; and the said collectors are hereby invested with the same powers to compel a payment of the tax laid by virtue of this act, as by law they have to compel a payment of their other collections, and shall be allowed the same commissions that they have upon the public tax.

II. *And be it further enacted,* That Josiah Collins, senior, Lemuel Creecy, Nathaniel Howcold, William Jackson and Jacob Cullins, are appointed Commissioners to direct and superintend the building of such house in the county of Chowan; and the said Commissioners are hereby empowered to receive and appropriate to the building of such house, the monies raised by virtue of this act; and it is hereby declared to be their duty to publish, from time to time, and at every County Court, at the door of the court-house of the said county, an account and statement of the sums by them received and disbursed, and finally to settle with and have their accounts audited by auditors to be appointed by the said County Court, and shall pay over the balances remaining in their hands (if there be any such balances) to the Wardens of the Poor of said county, to be by them applied for the benefit of the poor; and the said Commissioners shall be entitled to such reasonable allowance for their services as the said County Court shall think proper to make.

III. *And be it further enacted,* That the Commissioners by this act appointed, are empowered to fix upon a proper place for the erection of such building, and either to buy or receive by way of donation, such lands as may be convenient for the same; and to take a deed thereof from the former proprietor or owner to the Wardens of the Poor of said county, to and for the use of the poor thereof; which deed shall be recorded in the proper office, and lodged with the Clerk of the Court of said county: And the said Commissioners are hereby further authorized to use their own discretion with respect to the size and dimensions of said house, and the manner of erecting the same.

IV. *Be it further enacted,* That the said house, when completed, shall be under the care and management of the Wardens of the Poor of said county, to admit therein such persons as they may think proper objects of public charity, to provide suitable provisions and apparel for them, and to make such arrangements for their useful and convenient employment as to them may appear most advantageous.

V. *And be it further enacted,* That if any of the Commissioners herein named shall die, remove, be unable or refuse to act, that then and in that case it shall be lawful for the Court of the said county to appoint any other person or persons in lieu of such Commissioner or Commissioners who shall die, remove, be unable or refuse to act, provided that a majority of the Justices of said county shall be present at the time of such appointment.



## CHAP. LXXXIV.

1801

An Act to empower the Wardens of the Poor for the county of Franklin, to lay an additional tax for the support of the Poor of said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Wardens of the Poor for the county aforesaid, to lay a further tax, not exceeding one shilling on each and every poll, and one shilling on every hundred pounds value of town property, and four-pence on every hundred acres of land, to be levied, collected and accounted for, as the law in such cases directs.

## CHAP. LXXXV.

An Act to empower the County Courts of Wilkes, Moore and Ashe, to lay a tax for the purpose of destroying Wolves in said counties.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the County Courts of Wilkes, Moore and Ashe, be and they are hereby authorized and empowered to lay a tax annually, to be collected in a sum not exceeding six pence on each and every poll, and two-pence on every hundred acres of land, to be appropriated to the purpose of destroying wolves in said counties.

II. *And be it further enacted,* That every person who shall kill a wolf within the limits of the said counties, shall be entitled to receive the sum of one pound for every wolf: *Provided always,* That before any person shall be entitled to receive the bounty hereby granted, such person or persons shall produce to some Justice of the Peace for the county in which such wolf may have been killed, the scalps thereof; and make oath that such wolf was killed within the limits of said county, and the Justice before whom such proof shall be made, is hereby required to destroy all such scalps before them produced, and give to the person producing such scalps, a certificate, setting forth therein the number produced, and the sum which such person may be entitled to under this act, which sum shall be paid by the County Treasurer; and such certificate shall be a sufficient voucher for him in the settlement of his accounts with the Court.

## CHAP. LXXXVI.

An Act to empower and authorize the Wardens of the county of Washington to lay a tax sufficient for the support of the Poor of said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Wardens of Washington county to lay a tax of one shilling on each and every hundred acres of land, and three shillings on every poll in said county, for the support of their poor; which shall be collected and accounted for to the said Wardens, by the Sheriff, in the same manner as other public taxes are collected.

## CHAP. LXXXVII.

An act to authorize the Wardens of Duplin county to lay a tax for the purposes therein mentioned.

WHEREAS John Johnston, late of Duplin county, died without issue, and by a noncupative will, which was proven in court, devised the estate he possessed to the poor of the said county: and Edward Pearfall and James Wright, two of the Wardens, administered on the estate, and applied the monies issuing therefrom, as directed by the deceased: and whereas it appears that the said John Johnston was indebted, at the time of his death, to some British merchants, who have lately commenced suit against the said administrators, for the recovery thereof:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Wardens of the Poor of Duplin county, to lay a tax on the inhabitants thereof, fully sufficient to indemnify James Wright and Edward Pearfall from any recovery that may be made of them, to the amount of the estate of the said John Johnston, which was converted to the use of the county, as declared by the said will, which tax shall be collected and accounted for by the sheriff, under the same rules, regulations, and restrictions as other taxes: *Provided,* that nothing herein contained, shall be construed to authorize the said Wardens to lay the said tax until it shall be fully ascertained that a recovery is made against the said administrators.

## CHAP. LXXXVIII.

An Act respecting retailing spirituous liquors in the counties therein mentioned.

WHEREAS the retailing spirituous liquors on credit is productive of many evil consequences: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina,* That from and after the first day of April next, every promise, agreement, note, bill, bond, or other contract, which may thereafter be made in the counties of Orange and Person, the consideration or any part whereof, shall be proved to have been the value of spirituous liquors sold by small measure, and every open or settled account which shall commence from the time aforesaid, within either of said counties, where any item or charge therein contained, shall be for any spirituous liquors so sold, shall not be recoverable before any Justice of the Peace, or in any court of record within this State; but the same and every part thereof shall be wholly and entirely void, as well against the original creditor, as against his, her or their assignee or assignees.

II. *And be it further enacted,* That in any action brought by any tavern-keeper, store-keeper, or keeper of any house of entertainment or retailer of spirituous liquors within said counties, for the recovery of any money due by any promise, agreement, note, bill, bond, or other contract, or on any open or settled account, made, entered into or given for spirituous liquors sold by small measure since the before mentioned time, the general issue may be pleaded, and this act given in evidence in bar of the plaintiff's recovery.

III. *And be it further enacted,* That all acts and parts of acts coming within the meaning and purview of this act, be and the same are hereby repealed and made void, so far as they may respect the before mentioned counties.



## CHAP. LXXXIX.

1801

An Act to amend an Act passed at the last session of the General Assembly, entitled "An Act to call to account the Receivers of Public Monies in and for the county of Greene, and to compel payment of such balances as may appear to be due in their hands, and for other purposes therein mentioned."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Ormond, Adam Heith, Matthew Exum, John B. Brand and Stephen Eason, be and they are hereby appointed Commissioners, with full power and authority to carry into effect an act passed at the last session of the General Assembly, entitled "An act to call to account the receivers of public monies in and for the county of Greene, and to compel payment of such balances as may appear to be due in their hands, and for other purposes therein mentioned; and that the said Commissioners, or a majority (which in all cases whatsoever shall be a quorum sufficient to discharge the purposes of their appointment) shall from time to time, and as often as they think proper, proceed to the several duties of their appointment, in the same manner as if they had been named in the before recited act. And if any of the said Commissioners shall refuse to act, die, remove or resign, the County Court of Greene, composed of a majority of the Justices of said county, shall immediately proceed to the election of another Commissioner or Commissioners, in the room of him or them so refusing to act, dying, removing or resigning; and such Commissioner or Commissioners so appointed by the County Court aforesaid, shall have all and singular the powers and authorities as if he or they had been mentioned within this act, any thing to the contrary notwithstanding.

## CHAP. XC.

An Act for regulating Ordinaries and Retailers of Spirituous Liquors by the small measure in the town of Tarborough, and to repeal part of an Act, entitled "An Act to amend an Act, entitled An Act for the better regulation of the town of Tarborough," passed in the year 1791.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the next February term for the County Court of Edgecomb, no person shall keep an ordinary or retail spirituous liquors by the small measure in the town of Tarborough, until he or she shall have first applied to the Commissioners appointed for the Government of said town and have obtained from them a certificate of their permission for that purpose, which certificate and permission shall be valid and in force for the term of one year from the time it is granted and no longer; and every person who shall keep an ordinary, or who shall retail spirituous liquors by the small measure in said town after the said February term aforesaid, without having first obtained the permission of the Commissioners as aforesaid, shall forfeit and pay the sum of twenty-five pounds, to be recovered in an action of debt before any Court having competent jurisdiction thereof, by any person or persons who shall, within one year after the offence committed, sue for the same, the one-half to the use of the prosecutor or prosecutors, the other half to the use of the said town, to be applied by the Commissioners towards the contingent charges thereof.

II. *And be it further enacted,* That every person that wishes to keep an ordinary, or retail spirituous liquors by the small measure in the said town, and who has obtained the permission of the Commissioners as aforesaid, may on application to the County Court of Edgecomb, be ordered, at the discretion of the said Court, to have a licence for the purpose aforesaid; and on such licence being granted, he or she shall produce one or more securities to the said Court, to be by them approved, who shall, before the licence be made out, join with him or her in a bond of the same tenor as is prescribed in the second section of an act passed in the year one thousand seven hundred and ninety-eight, entitled "An act for regulating ordinaries and houses of entertainment, and retailers of spirituous liquors by the small measure;" and it shall be the duty of the Clerk of said Court, upon such bond being given and licence ordered, to prepare a licence and sign the same, which shall continue in force one year, and no longer; and the person obtaining such licence, shall pay to the Clerk the same fees, and to the Sheriff the same tax, as by the third section of the above recited act are directed and required.

III. *And be it further enacted,* That no person shall be permitted to retail spirituous liquors by the small measure in the said town without a licence from said Court, under the penalty of twenty-five pounds, to be recovered and applied in the manner directed by the first section of this act; and the said Court is enjoined and required not to grant a licence for said purpose, or for keeping an ordinary in said town, to any person who has not obtained the permission of the Commissioners, and does not produce their certificate to that effect: *Provided nevertheless,* That such persons as have already, or shall before February term aforesaid, have obtained licence to keep an ordinary, or to retail spirituous liquors by the small measure, in the manner heretofore used and by the law permitted, shall not be subject to the penalties above denounced, till after their said licence shall have expired.

IV. *And be it further enacted,* That upon complaint made to the Commissioners, or to the Intendant or Magistrate of Police of said town, of any ordinary-keeper or retailer as aforesaid within the bounds thereof, selling to or purchasing from a slave, without a permit from his or her owner, or of entertaining a servant or slave against the will of his or her owner, or of entertaining a common sailor against the direction of the master of the vessel to which he may belong, or of keeping a disorderly house, it shall and may be lawful for the said Commissioners, or a majority of them, or for the Intendant or Magistrate of Police alone, and he or they are hereby authorized and required to summon such ordinary-keeper or retailer as aforesaid before him or them, and on such offence being proved, to disable such person from keeping an ordinary, or retailing spirituous liquors by the small measure in said town, as if he or she had never obtained any permission or licence for that purpose; and if after such disability and suspension pronounced, any such person shall keep an ordinary or retail spirituous liquors by the small measure within said town, he or she shall be subject to the same penalty as is denounced by the first section of this act, to be recovered and applied in the same manner as is therein prescribed.

V. *And be it further enacted by the authority aforesaid,* That so much of an act passed in the year 1791, entitled "An act to amend an act, entitled An act for the better regulation of the town of Tarborough," as was intended to provide that the Commissioners of the town of Tarborough shall be resident therein, shall be and hereby is repealed; and that from and after the first day of May next, it shall be lawful for the freemen of the town of Tarborough to elect as Commissioners for said town, any freemen residing within three miles thereof, who shall, at the time of such election, be the owner of a house or houses within the limits of said town, to the value of three hundred dollars.

## CHAP. XCI.

An Act authorizing the Treasurer of Public Buildings for Craven county to call delinquent Sheriffs and Commissioners in the district of Newbern to an account for district monies.

WHEREAS by an act passed at Hillsborough, in April, one thousand seven hundred and eighty-three, a tax was laid in the several counties of the district of Newbern, for the purpose of repairing the coast of



said district, and the Sheriffs of said counties having failed to account for the same; and the Commissioners to whom the same was payable, having either wholly or in part neglected to apply the said tax agreeably to the direction and intention of the said act, the same has failed in its effect: And whereas the county of Craven, by a tax in said county, has levied and expended large sums in repairing the district goal, and in erecting a new court-house for the holding the Superior Court of said district: And justice to the people of said district requires, that the Sheriffs and Commissioners whose duty it was to have collected or received the said monies, should account for the same; and that the same, when recovered, should be applied to the use of the said act: Therefore

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Treasurer of public buildings of Craven county, or his successors, be and he is hereby authorized and required to call on the Sheriffs of the several counties for the district of Newbern, for the year one thousand seven hundred and eighty-three, or the Commissioners heretofore appointed to receive from the said Sheriffs the said tax as aforesaid levied, or to call on the legal representatives of them to account for and pay the same; and upon their failure forthwith to comply with such request, the said Treasurer is hereby authorized and directed to move the Superior Court of said district, or any County Court in which such delinquent may reside, for judgment on the bonds of such Sheriffs or Commissioners, against such Sheriffs or Commissioners, and their securities, or the legal representatives of such as may be deceased; and the certificates of the Clerks of the several County Courts of said district, or the certificate of the Treasurer or Comptroller of this State, of the amount of taxable property and taxable polls in said counties for the year one thousand seven hundred and eighty-three, shall be held by said Courts full and sufficient evidence of the amount of the same, and the said Courts shall give judgment and award execution accordingly. *Provided,* such persons against whom such judgments are had, have thirty days notice of such motion.

II. *And be it further enacted,* That the Treasurer of public buildings of Craven county shall faithfully apply all such sums of money as he may collect under the authority of this act, to the completing the court-house, and repairing or improving the goal in Newbern: *Provided nevertheless,* that the foregoing act shall not affect the estates of any deceased Sheriff for the year one thousand seven hundred and eighty-three, in case their legal representatives make oath to the best of their knowledge that such tax had been paid to the Commissioners, or any other proof of the same that may be in their power to give.

#### CHAP. XCII.

An Act to amend an Act, entitled "An Act to repeal an Act passed in the year one thousand seven hundred and ninety-five, entitled An Act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, prison and stocks, for the use of said county, and for other purposes relative to said county of Wilkes," passed in the year 1799, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the town already laid off by the Commissioners appointed in the above recited act, shall hereafter be called and known by the name of Wilkesborough, and that the said Commissioners first named in the before recited act, for their services in performing the duty required of them by the act aforesaid, shall be allowed a reasonable compensation to be adjudged by the County Court of Wilkes.

II. *And be it further enacted,* That all bonds and notes given by any purchaser or purchasers of lots in said town not yet paid, shall be delivered by the Chairman of said Court to the County Treasurer; and the said Treasurer is hereby required to bring suit on all bonds and notes so delivered in the name of said Chairman; and all monies so collected by the Treasurer, shall be appropriated agreeably to the before recited act.

III. *And be it further enacted,* That the Chairman of said Court, shall on application deliver to the County Treasurer, all monies by him collected on account of lots, sold as aforesaid, That have not been already paid to the undertakers of the public buildings, or for lands purchased by the said Commissioners for said county; and in case the said Chairman should fail or refuse to deliver to the County Treasurer, all bonds, notes, judgments and monies by him taken and collected as aforesaid, he shall forfeit and pay double the sum in which he shall so fail, to be recovered by the said County Treasurer, before any jurisdiction having cognizance thereof.

IV. *And be it further enacted,* That all suits already commenced shall be carried on in the name of the Chairman, and any cost that may accrue shall be paid out of the money arising from the sale of lots, and not otherwise, and the money so recovered, shall be applied as above mentioned.

V. *And be it further enacted,* That the owners or proprietors of a lot in the town aforesaid, shall and may meet at the town aforesaid, on the first Monday in May in each and every year, and proceed to elect five proper persons to act as Commissioners for the town aforesaid; and in case of death or refusal to act, then and in that case the surviving Commissioners, or a majority of them, shall and may proceed to elect a proper person to fill such vacancy, and when so appointed, shall have all the powers by this act intended.

VI. *And be it further enacted,* That the Commissioners hereby appointed, or a majority of them, shall have full powers to make all such by-laws and regulations, not inconsistent with the constitution or laws of this State or of the United States, as may tend to the good government of said town.

VII. *And be it further enacted,* That all persons who hold lots in the aforesaid town, shall, within one year after the passing of this act, fix a stake of some lasting kind of wood, at least six inches square, at each corner of his or her lot or lots, under the penalty of five pounds, to be recovered by the Commissioners hereby appointed, and applied to the use of said town.

VIII. *And be it further enacted,* That Richard Allen, Sheriff of said county; Zadock Riggs, late Sheriff of Sarry county; Owen Gregory, late Sheriff of Sampson; Eliha Moss, late Sheriff of Bladen county, be and they are hereby authorized and empowered, in as full and ample a manner as all other Sheriffs are by law, to collect the arrearages of taxes due them in their said counties respectively; for the years one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine: *Provided,* that any person called on for taxes as aforesaid, on making oath that he or she has paid the same, shall be exonerated from the payment thereof; and nothing in this act shall operate against the estate of any deceased person, or any person who has moved out of the county. This act shall be in force only one year from the passage thereof.

#### CHAP. XCIII.

An Act to quiet in the possession of John Donnell, certain lands therein mentioned.

WHEREAS it has been represented to this General Assembly, that Robert Donnell, of Lenoir county, died without issue, seized of certain lands within said county; and whereas it hath satisfactorily



1801 been made appear, that it was the wish of the said Robert that his nephew John Donnell, then of the kingdom of Ireland, an infant, should enjoy the same, and for that purpose procured him to be brought to this State; but owing to the informality, or some requisite solemnities of his will, doubts have arisen, whether the said John Donnell can take the same:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said John Donnell be and he is hereby declared to be invested with all and singular the right and interest which the State may have, or be entitled to by the escheat laws, or otherwise, in or to the lands of the said Robert Donnell, his deceased uncle, situate in the county of Lenoir, to hold to him the said John, his heirs and assigns, free and clear of the State: *Provided,* that nothing herein contained shall be construed to prevent the widow of the said Robert Donnell, from holding for her life, the dower or thirds of the said lands, agreeably to law.

#### CHAP. XCIV.

An Act to secure and confirm the rights of the escheated lands of Murray, Hughey and Grimbale, which is in the counties of Montgomery and Cabarrus, to the holders of the same.

WHEREAS the citizens of Montgomery and Cabarrus counties, have prayed the General Assembly of this State for many years past, to secure to them their lands which they did purchase of the State, not knowing that the same was escheated:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the Trustees of the University of North-Carolina, or any one of them, to receive from the citizens of Montgomery and Cabarrus counties, holding any of the aforesaid escheated lands, one cent per acre for all such lands for which they have obtained a grant from the State.

II. *And be it further enacted,* That when said sum of one cent per acre, is paid to the Trustees aforesaid, or either of them, it shall be their duty to give to such person or persons a quit claim deed or deeds for the quantity or quantities of land by him or them claimed and paid for, agreeably to the ordinance of the said Trustees; and the claimant of such lands, shall pay one-half of a dollar to said Trustee signing such deed or deeds, for each and every quit claim deed he shall execute for such lands for his trouble.

III. *And be it further enacted,* That after the execution of such deed or deeds shall be completed, each and every one of them shall be deemed good and valid in law, as if the same lands had never escheated; and shall be considered clear from any demand of the State, or any person or persons, on the account of their having been escheated lands to the State; any law, usage or custom to the contrary notwithstanding.

#### CHAP. XCV.

An Act to authorise and render capable in law Mary Roberts, wife of William Roberts, by her husband, and Edward, Lydia, Sufannah, Henry, Margaret and Sarah Bennet, children and heirs at law of William Bennet, deceased, by their Guardian or Guardians, to sell and convey, under the direction of the County Court of Chowan, certain real Estate therein mentioned.

WHEREAS it has been made appear to this General Assembly, that the sale of certain lots of ground, part of the real estate of the said William Bennet, would prove highly beneficial to the interests of the above-named children and heirs at law of said William Bennet, inasmuch as the estate of the said William is so much indebted that the whole or the greater part of the negro slaves, the only productive part thereof, must be sold for the discharge of the debts due by the said estate, unless a fund can be raised for that purpose by the sale of the lots and premises hereinafter mentioned: And whereas the said lots of ground and premises are in a very ruinous condition, and altogether unproductive,

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That at the first term which shall be held for the county of Chowan after the first day of January next, a guardian or guardians shall and may be appointed to protect and defend the interest of the said Edward, Lydia, Sufannah, Henry, Margaret and Sarah Bennet, children and heirs at law, with the said Mary Roberts, of William Bennet, deceased; and upon its being represented to the said court of Chowan county, that the sale of the lots of land and premises, numbered fifteen, sixteen, seventeen and eighteen, and part of a water lot with the wharf thereunto, situate in the town of Edenton, would be advantageous to the interest of said children, the said court shall and may order and direct a jury to be summoned by the Sheriff of the county, to meet on the premises, on such day as the said Sheriff shall and may appoint, whose duty it shall be also to attend.

II. *And be it further enacted,* That when the said jury shall attend in pursuance of said order and summons, the Sheriff shall, and he is hereby authorised, directed and empowered to administer to them an oath, that they will carefully and particularly view and examine the above-mentioned lots of ground, and every of them, and make a true return thereof to the ensuing county court; upon which the said jury shall proceed to examine and view the said lots of ground, and every of them, and make up under their respective hand writings, a true and fair statement of their situation and condition, and of the probable cost of repairing and putting them in order, and of making them productive; which statement they shall accordingly return to the succeeding court, and if it shall there appear to the said court, by the statement of the said jury, and by the representations of the guardian or guardians of said children, as also by that of the aforesaid William Roberts, that the sale of the said lots of ground and premises would be beneficial to the interest of the said children, by saving to them the negro slaves, the more productive part of the estate of the said William Bennet, then and in that case, the said court shall be, and they are hereby authorised and empowered to make an order that the said Mary Roberts, by her husband, and the other children of the said William, minors, by their guardian or guardians, may sell all or any of the said lots of ground, in such manner as shall by the said William Roberts, and the said guardian or guardians, be judged advisable and advantageous to the interest of the heirs at law aforesaid.

III. *And be it further enacted,* That after such order shall be made, the said Mary Roberts, by her husband, and the said minors, by their guardian or guardians, shall be, and are hereby authorised and empowered, and rendered capable in law, to consent to and to make a sale and conveyance, in fee simple, of all and singular the said lots of ground and premises; and any sale thereof, or of any part thereof so made, shall be as good and valid in law, to all intents and purposes as if the said minors were of full age, and shall vest in the person or persons to whom the same shall be made a good and sufficient title in law for the lots so sold and conveyed, under the terms and conditions agreed on by the parties to said sale; any law, usage or custom to the contrary notwithstanding.

IV. *And be it further enacted,* That this act shall be in force from the time of the ratification thereof.



## CHAP. XCVI.

1801

An Act to enable James M'Kee to inherit and recover the estate of William Cronicle, deceased.

WHEREAS it is represented to this General Assembly, that William Cronicle, late of the county of Lincoln, deceased, in his life-time, and at the time of his death, was entitled to property, both real and personal; and the said William departed this life in the year one thousand seven hundred and eighty, intestate, without leaving any wife or issue; and whereas it hath been made appear that he hath left no heir who can legally succeed to his estate; but has left his half brother, James M'Kee, of the county aforesaid, the only relative of the deceased; whom it is reasonable to suppose the said William would have constituted his heir, provided he had made a will:

*BE it enacted therefore by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said James M'Kee be henceforth considered as heir of the said William Cronicle, deceased; and that he the said James M'Kee be, and he is hereby empowered and enabled, in his own name, to ask, demand, sue for, and recover and receive, all the estate, both real and personal, whatsoever, of the said William Cronicle, to which the said William, at the time of his death, was or might be entitled to, either in law or equity; and that all such real and personal estate be, and is hereby fully and absolutely vested in the said James M'Kee, his heirs and assigns for ever; except such part of the personal estate as has been, or may be legally administered and appropriated to the payment of demands against the said estate; any law, custom or usage to the contrary notwithstanding.

## CHAP. XCVII.

An Act to quiet in the possession of Mary Young the right of certain lands therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all the right and title of what kind or nature soever, that Jacob Pollock, formerly a Captain in the continental army of this State, might have had in his life time to a certain military land warrant, Number four thousand one hundred and twenty, for three thousand eight hundred and forty acres of land, dated the sixth day of December, one thousand seven hundred and ninety-six, shall be and the same is hereby vested in fee simple to Mary Young, of Halifax county, formerly the wife of the said Jacob Pollock, but lately the wife of Dolph Young, deceased, in as full and ample a manner as if the said Mary Young had been the heir at law or devisee of the said Jacob Pollock, deceased; any law, usage or custom to the contrary notwithstanding.

## CHAP. XCVIII.

An Act to re-establish the separate battalion muster at the plantation of James Atkins, in Cumberland county.

WHEREAS by an act of the General Assembly of this State, passed in the year 1795, the militia in the upper end of Cumberland county, were granted a separate battalion muster at the plantation now occupied by James Atkins; and whereas by the militia law passed last session of Assembly, it is doubtful whether or not the said law may not be repealed, so much as the said separate battalion muster does not consist of but four companies of militia; and whereas the said four companies of militia, to wit, Captains M'Laine's, Pegrien's, Shaw's and M'Allister's, are large and many of the militia that reside therein, live at the distance of thirty miles from the court-house in Fayetteville, and thereby labour under great disadvantages: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from henceforward the aforesaid four companies of militia shall be allowed the privileges of separate battalion musters, to be holden at the plantation of James Atkins, under the same rules, regulations and advantages as were heretofore prescribed by the aforesaid law for that purpose.

II. *Be it further enacted,* That nothing herein contained shall be construed to oblige Captain M'Allister's company to muster as aforesaid, if it is deemed proper by the officers of said company to muster as usual at Fayetteville.

## CHAP. XCIX.

An Act to establish two separate elections and a general muster in the county of Bladen.

WHEREAS it appears to this General Assembly, that many of the good citizens of the county of Bladen labour under great inconveniences by attending at the court-house of said county at public times: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the Sheriff of Bladen county, or his deputy, to open and hold an election in the South end of said county, on the Tuesday preceding the second Friday in August, in each and every year, at the plantation belonging to John B. Waddell, Esquire, on the West side of the White Marsh, known by the name of Marsh Castle, for the purpose of electing Members of the General Assembly; and the said election shall be held and kept open until sun-set of the said day, when the ballots or tickets taken and received thereat shall be sealed up in the presence of the inspectors, and safely conveyed to the court-house of said county, where the boxes shall be broken open in the presence of the inspectors of the election held at the court-house, and counted out with the ballots which are therereceived; and in all other things shall be conducted under the same rules, regulations and restrictions as are by law established for other elections in this State.

II. *And be it further enacted,* That it shall and may be lawful for the Sheriff, or his deputy, superintending any election to be held by virtue of this act, when a Representative to Congress and an Elector to vote for a President and Vice-President of the United States, are to be elected for the division that includes Bladen county, to superintend said election for a Representative or an Elector at such times as appointed by law for that purpose, and in all respects observe and pursue the same mode in opening, conducting and transmitting the votes to the court-house of said county, as is directed by this act to observe in the elections of Members to the General Assembly, and agreeably to the laws providing for the election of Members to Congress. And the inspectors of said separate election shall be appointed as heretofore prescribed by law for the appointing of inspectors of elections, any thing to the contrary notwithstanding.

III. *And be it further enacted,* That the companies in the county of Bladen, commanded by the Captains Isaac Powell, Caleb Green, Stephen Bearfield, Pierce Godwin and Job Goodman, in the South part of said county, shall be formed in a distinct and separate battalion of the Bladen regiment, and shall be known by the name of the White Marsh battalion, and shall be entitled to hold their battalion musters at the Marsh Castle, the place aforementioned for holding the separate election, and shall be under the same rules and regulations as are directed by the militia laws of this State.



1801 IV. *And be it further enacted*, That James Cromhartie, Charles Johnson, John Sutton, Edward Reves, Michael Thomas, John Cashwell, Richard Singletary, Peter M'Lean and John Sellers, or a majority of them, be and they are hereby appointed Commissioners for the purpose of fixing and determining on a proper place for holding an election, as nearly central as may be, within the limits or bounds following, namely: Beginning at James Cromhartie's, on South River; running direct to John Sutton's, on Colley Swamp; from thence to Whitehall, on Ellis's Creek; then including Captain Battram Bryant's district; and down South River, to James Cromhartie's, the beginning, being in Captain Evan Andrews's district.

V. *And be it further enacted*, That the place chosen and agreed on by the said Commissioners, shall be established and declared to be a place of election for Members of Congress, Members of the General Assembly, and Electors for voting for a President and Vice-President of the United States; which election shall be held on the Thursday succeeding the day of the election held at Marth Castle, and under the same rules, regulations and restrictions as the aforesaid election.

VI. *And be it further enacted*, That hereafter the election shall be held at Elizabeth-town, on the second Friday in August annually, for Members of the General Assembly, and at such other times as may be required by law for Members of Congress, and Electors to vote for a President and Vice-President of the United States: *Provided always*, that the election at Elizabeth-town shall be on Friday of the same week succeeding the other separate elections; and on the evening of that day the poll shall be closed, and the other tickets counted out for that and the several separate elections: *Provided nevertheless*, that nothing herein contained shall be construed to prevent any of the electors in said county from voting at either of the places of election herein mentioned; but if any elector shall vote at more than one place of election in the same year, he shall forfeit and pay the sum of five pounds, to be recovered before any Justice of the Peace by any person who shall sue for the same to his own use.

VII. *And be it further enacted*, That an act passed in the year one thousand seven hundred and ninety-eight, entitled "An act for granting the inhabitants of Bladen county a separate general muster and election;" and all other acts and clauses of acts that come within the purview of this act, be and the same are hereby repealed and made void.

#### CHAP. C.

An Act to amend the several Acts of Assembly granting separate elections in the county of Chatham.

WHEREAS the days now fixed on by law for holding the separate elections for said county are found to be inconvenient for the inhabitants thereof:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the separate election on the South side of Rocky River, shall be opened and held on the Monday preceding the second Thursday and Friday in August, in each and every year; and the inhabitants on that side of said river, shall be entitled to vote at the place fixed on for said separate election for an Elector to vote for a President and Vice-President of the United States, as well as a Representative in the Congress of the United States and Members of the General Assembly.

II. *And be it further enacted*, That the separate election held on the North side of Haw River, shall in future be held on the Wednesday preceding the second Thursday and Friday in August, in each and every year, under the same rules, regulations and restrictions as are heretofore prescribed by law; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CI.

An Act to amend an Act, entitled "An Act granting to the inhabitants of Brunswick county the privilege of separate elections, and to amend the laws for granting separate elections in the county of Wilkes."

WHEREAS the place heretofore appointed for holding the separate election for that part of Brunswick-county, which lies westward of Waccamaw River, is found to be inconvenient to the citizens thereof, in consequence of the line lately run between the said county and Bladen: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Joel Hill, William Mooney, Isaac Etheridge, James D. Ellis and Peter Portervine, be and they are hereby appointed Commissioners to fix on a proper place in said county for holding the separate election heretofore granted, under the same rules and regulations as are prescribed in the above recited act.

II. *Be it further enacted*, That the second section of an act passed at Raleigh in the year one thousand seven hundred and ninety-nine, for establishing separate elections in the counties of Wilkes and Ashe, be and the same is hereby repealed and made void; and Benjamin Parks, Samuel Johnson, and Spencer Adams, Esquires, be and they are hereby appointed Commissioners to fix on a proper place on the North side of Yadkin River, in the county of Wilkes, whereat the second election is to be held, on the same days in August that the election was held at Captain Thomas Thurmond's; and the place so fixed on by the Commissioners, shall be considered the place where the lower election shall be held in said county; and the said election shall be conducted under the same rules, regulations and restrictions as the other elections in said county now are, any law to the contrary notwithstanding.

#### CHAP. CII.

An Act to establish two separate battalion musters in the county of Surry.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the militia companies in said county commanded by the Captains Charles Toliver, John Witcher, Isaac Faulkner, David Humphries, William Burch and Moses Freeman, on the North side of the Yadkin River, shall compose the first battalion of said Surry regiment, and shall be entitled to hold their battalion musters at the house of Derby Ryon's, or within two miles thereof, at some convenient place as the commissioned officers of said battalion, or a majority of them, shall think proper; and shall be under the same rules and regulations as are directed by the militia law of this State.

IV. *And be it further enacted*, That the companies commanded by the Captains Richard Wellborn, Overton Penin, John Cook, Thomas Williams, Marmaduke Kimbrough and John Rath, on the South side of said river, shall compose the second battalion, and shall be entitled to hold their battalion musters on the South side of said river, at the cross-road where the separate election is held in said county; and shall be under the same rules and regulations as are directed by the militia law of this State.

#### CHAP. CIII.

An Act to alter the place of holding a separate election in the County of Currituck.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future the election which has been heretofore held at the house of Ste-



phen Weskett, on Roanoke Island, in Currituck County be, and the same is hereby removed to that of 1801  
Abel Ashber.

II. *And be it further enacted*, That the returning officer of the County aforesaid, shall open the said separate election at the house of Abel Ashber, on Roanoke Island, at the same time, and under the same rules, regulations and restrictions as are prescribed by an act, entitled "An Act to allow the County of Currituck a separate election," passed at Newbern in the year of our Lord one thousand seven hundred and ninety-one.

#### CHAP. CIV.

An Act granting to the Inhabitants of the upper and lower parts of the second regiment of the Militia of Rowan County, the privilege of holding separate elections from that held in the town of Lexington.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Sheriff of Rowan, to appoint some proper persons to attend at the respective separate elections in said regiment, on the Wednesday preceding the second Thursday in August, in each and every year, whose duty it shall be to open and hold an election in the upper part of the said regiment, at the house of Lazarus Hoga.

II. *And be it further enacted*, That William Cole, Isaac Shamwell and Arthur Pare, Esquires, be, and they are hereby appointed Commissioners to fix on a proper place for holding the election for the lower part of said regiment; and the Sheriff, by himself or some person by his appointment, shall open and hold an election at the place fixed on by the Commissioners aforesaid, or a majority of them, on the Wednesday preceding the second Thursday in August, as aforesaid: And the polls of said separate elections shall be kept open until sun-set of the said day, for the purpose of electing Members of the General Assembly, Representatives to Congress and Electors of a President and Vice-President of the United States, when necessary. And the said separate election shall be conducted in the same manner, and under the same rules and regulations as other separate elections in said county. And the box or boxes containing the votes at said election, shall be sealed up at sun-set of the same day, in the presence of the Inspectors of the Poll, and safely transmitted to the town of Lexington, on the succeeding day; and at the close of the poll shall then be counted out as part of the said election, and be thence transmitted to the Court-House, in Salisbury, as part of the election for the said county of Rowan as heretofore prescribed by law.

III. *And be it further enacted by the authority aforesaid*, That no person authorized by this act to give his vote at the said separate election, shall be debarred from giving his suffrage at the election to be held at the town of Lexington, provided he has not already voted at the said separate elections, or either of them.

#### CHAP. CV.

An Act to grant a separate election in the County of Sampson.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for the Sheriff of the county of Sampson by himself or any of his deputies, on the first Friday in August, in each and every year, to open and hold a separate election at the house of Thomas Register, senior, at or near the Six Run Bridge, for the convenience of the inhabitants in the lower end of said county, to give their suffrages for Members of the General Assembly and Representatives in Congress, and to elect Electors; and the said Sheriff, Deputy-Sheriff or their successors, shall hold the said election under the same rules, regulations or restrictions as are prescribed for other elections in this State; and the votes so taken shall be counted out at the close of the poll, which votes shall and they are hereby declared to be, part of the suffrages of Sampson county; any thing to the contrary notwithstanding.

#### CHAP. CVI.

An Act to amend an act passed the last General Assembly, held at Raleigh, in the year of our Lord one thousand eight hundred, granting to the Inhabitants of the North and Western parts of Edgecomb county, separate elections and General Musters.

WHEREAS it was intended by the before recited act, that the Company of Militia at present commanded by Captain Samuel Ruffin, in the western part of said county, should constitute a part of the first Battalion entitled by said act to muster at the house of Joseph Penders, and being part of the petitioners for said act, but through mistake was left out of the same: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said Company of Militia at present commanded by Captain Samuel Ruffin, shall be entitled to the same privileges in meeting on the several days appointed by law for holding elections at the house of said Joseph Penders, in giving their votes to elect Members of the General Assembly and a Representative to the Congress of the United States, and to vote for an Elector to elect the President and Vice-President of the United States, and to meet at the house of the said Joseph Penders, when commanded by their lawful officers, and discharge their military duty, and muster in the said first Battalion of Militia in the same manner as though the said company had been particularly named with the other companies of militia named in the before recited act; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CVII.

An Act granting a separate election and general muster to the inhabitants on the north-east side of Deep River, in the county of Randolph.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Joseph Lane, Jacob Brower, Charles Duncan, Dobson Burrow and Henry Branson, be, and they are hereby appointed Commissioners to fix on some proper and convenient place on the north-east side of Deep river, within two miles of John White's, sen. in said county, to hold a separate election and general muster for the purpose of electing Members of the General Assembly, and to elect a Representative to the Congress of the United States, and to choose an Elector to vote for a President and Vice-President of the United States.

II. *And be it further enacted*, That the Sheriff of the county of Randolph, or his legal Deputy, shall attend at the place fixed on by the Commissioners aforesaid, on the second Thursday of August, in each and every year, then and there to receive the votes of the inhabitants of the north east side Deep river, in said county; also the said Sheriff, or his legal Deputy, shall open and hold an election on the first Monday in November, when elections may happen for choosing Electors to vote for a President and Vice-President of the United States, under the same rules and regulations that other elections in this State are.



1801 *III. And be it further enacted by the authority aforesaid, That the votes so taken shall be sealed up by the Sheriff, in the presence of the Inspectors of the election held at the court-house, and counted out with the ballots which are there received; and the said separate election shall be conducted under the same rules, regulations and restrictions as are established by law for other elections in this State.*

*IV. And be it further enacted, That the companies commanded by Captain Samuel Moffit, Charles Duncan, Shubel York, John Brown and Dobson Burrow, and the company of horse commanded by Reuben Wood, shall be formed in a distinct and separate Battalion, and shall be entitled to hold their battalion musters at the place fixed on as aforesaid, and shall be under the same rules and regulations as are directed by the Militia Laws of this State.*

*V. And be it further enacted, That this act shall not be in force until the first day of September next.*

#### CHAP. CVIII.

An Act to establish a separate election in the county of Nash.

*WHEREAS* it appears to this General Assembly that many of the good citizens of Nash labour under many inconveniences by attending at the court-house of said county, at public times: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff of Nash county, or his legal Deputy, to open and hold an election on the south side of Tar river, in said county, on the day previous to annual elections in each and every year thereafter, at the place to be appointed and agreed on by the Commissioners herein after named; and the said election shall be held and kept open till sun-set of the said day, when the ballots or tickets taken and received thereat, shall be sealed up in the presence of the Inspectors, and safely conveyed to the court-house of said county, where they shall be broken open in the presence of the Inspectors of the election held at the court-house, and counted out with the ballots which are there received; and the said separate election shall be conducted under the same rules, regulations and restrictions as are established by law for other elections.*

*II. Be it enacted by the authority aforesaid, That John Rice, Drury Taylor, Dempsey Taylor, Drury Williams, Jethro Harrison and Thomas Hamilton, are hereby appointed Commissioners to fix on the most convenient place on the south side of Tar river, to hold a separate election in said county, or a majority of them; any law, usage or custom to the contrary notwithstanding.*

#### CHAP. CIX.

An Act to alter the time of holding the election in the county of Duplin.

*WHEREAS* the time of holding the election for the purpose of electing Members of the General Assembly, in the county of Duplin, is found to be inconvenient to the inhabitants thereof,

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the election in said county for the purpose of electing Members of the General Assembly, shall be opened and held at the court-house, in said county, on the first Thursday and Friday in October, in each and every year, under the same laws, rules, regulations and restrictions as heretofore prescribed by law for the holding of elections in said county; any law, usage or custom to the contrary notwithstanding.*

#### CHAP. CX.

An Act granting additional elections in the county of New-Hanover, and for other purposes.

*WHEREAS* many of the citizens of New-Hanover county, from the remote distance they live from the places appointed by law for holding elections in said county, are prevented from giving their suffrages to persons to represent them in General Assembly: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff, or his legal Deputies, of New-Hanover county, to open and hold a separate election for said county, at the town of Washington, on the Monday before the second Thursday in August, in each and every year, for the purpose of electing Members of the General Assembly, Members of Congress, and to vote for an Elector to elect a President and Vice-President of the United States, in the same manner as they might or could have done at the court-house of said county, and continue and keep open the same until sun-set of the same day, when the tickets shall be sealed up in the presence of the Inspectors, and conveyed as hereinafter directed.*

*II. And be it further enacted, That it shall be the further duty of the Sheriff, or his proper Deputies, of said county to open and hold another separate election for the same purpose, as directed in the foregoing clause, at the house of Mrs. Eden, on Topsail, on the Wednesday before the second Thursday in August, in every year, and shall keep open the same until sun-set of the said day, when the tickets or ballots shall be sealed up in the presence of the Inspectors, and conveyed as hereinafter directed.*

*III. And be it further enacted, That it shall be the duty of the Sheriff or his Deputies, to take care of the boxes in which the tickets are deposited, and safely convey them to the place established by law for the annual election of said county, and count them out and conduct the said elections, under the same rules, regulations and restrictions as are prescribed for the holding the annual election; any law, usage or custom to the contrary notwithstanding.*

#### CHAP. CXI.

An Act to amend the third section of an act, entitled "An act granting a separate election to the inhabitants of the county of Stokes," passed last session of Assembly.

*WHEREAS* it is found inconvenient that the said separate election should be held on the Tuesday preceding the second Thursday and Friday in August, as mentioned in the before recited act: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future said election shall be opened and held on the Monday preceding the second Thursday and Friday in August, under the same rules and regulations as are pointed out by said act; any law to the contrary notwithstanding.*

#### CHAP. CXII.

An Act to regulate the mode of holding separate elections, and granting separate battalion musters in the county of Lincoln.

*WHEREAS* it is represented to this General Assembly that the inhabitants of Lincoln county, composing the company commanded by Arthur Graham, labour under many inconveniences in attending the present places appointed by law for holding the elections of said county: For remedy whereof,



*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, there shall be opened and held in the county of Lincoln, a separate election for the same purposes as are declared by the acts authorising other separate elections in said county, at such place as the Commissioners hereinafter named shall appoint and agree upon, within the bounds of the company commanded by Captain Arthur Graham, which election shall be opened and held on the Thursday of the annual election, by the Sheriff or his deputy; and in case the Sheriff should not make, under his hand and seal, a sufficient deputation of officers to officiate for him, the Coroner or Coroners of the county, shall be, and they are hereby authorised to act and to attend the said elections, under the same rules as Sheriffs in similar cases: *Provided*, that it shall be in the power of the county court of Lincoln, if it shall be deemed necessary, to appoint any other person or persons to act and officiate, at the term preceding the election, to conduct the said election, under the same rules and regulations as other elections for said county are prescribed, and to appoint inspectors or superintendants of the same.

II. *And be it further enacted*, That John Caruth, Samuel Espy, and Captain Arthur Graham, shall be, and they are hereby appointed Commissioners for agreeing and establishing upon a certain place in said county where the said separate election shall be held; and the tickets or ballots given in at said election, shall be sealed up at sun-set of the said day, in the presence of the superintendants or inspectors, and conveyed safely to the place appointed by law for holding the annual election, where they shall be opened and counted out, as is prescribed by law in similar cases.

III. *And be it further enacted*, That if any person shall vote at any two places of election within said county, he shall, on proof thereof, forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, to the use of the person or persons suing for the same.

IV. *And be it further enacted*, That the field officers of the second regiment of militia of said county be, and they are hereby required and directed to meet and assemble on the first Monday next after the tenth day of April next, at the court-house of said county, and then and there divide their regiment in two battalions: *Provided*, there shall be a sufficiency of men, agreeably to act of Congress; and they shall appoint separate battalion musters in the most convenient places in said second regiment, which shall be under the same rules and restrictions as are prescribed in favour of battalion musters in similar cases under the militia laws of this State.

V. *And be it further enacted*, That all laws, clauses of laws, acts or usages, that come within the purview and meaning of this act be, and the same are hereby declared to be void and of none effect.

#### CHAP. CXIII.

*An Act granting three separate elections to the inhabitants of the county of Onslow.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Sheriff of Onslow county, by himself or deputy, shall open an election for Members of the General Assembly of this State, for Representatives to Congress of the United States, and for Electors to vote for a President and Vice-President of the United States, on the Saturday preceding the second Thursday in August annually, at the house of Eden Bell, in the town of Swanborough, to continue from twelve o'clock until sun-set, for the reception of votes as aforesaid; and at the house of Benjamin Hall, on the West side of New River, on the Tuesday preceding the second Thursday in August; and at the house of Daniel Humphries, on the rich lands of New River, on Wednesday preceding the second Thursday in August, to continue open as aforesaid for the reception of votes as aforesaid, under the same rules and regulations that annual elections are at present held at the different places established by law.

II. *And be it further enacted*, That all votes taken at the said separate election shall be sealed up by the Sheriff in the presence of the inspectors, and transmitted to the court-house of the said county by the said Sheriff, or his deputy, and counted out with the votes taken at the court-house, and be considered as good as the votes received at the court-house on the days fixed by law for the annual elections; any law to the contrary notwithstanding.

#### CHAP. CXIV.

*An Act to alter the time of holding the several elections in the county of Halifax.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the election in the upper end of the county of Halifax, holden at the house of Josiah Brinkley, for electing Members of the General Assembly, Members of Congress, and Electors to elect the President and Vice-President of the United States, shall be opened and held at the same place on the Monday preceding the second Thursday in August, in each and every year; and the election in the lower part of the county, at present held at the house of Henry Baker, shall be opened and held on the Wednesday preceding the second Thursday in August, in each and every year; and the election in the town of Halifax, shall be held on the Friday succeeding the second Thursday in August, in each and every year: All which elections shall be conducted as heretofore prescribed by a law passed in the year one thousand seven hundred and ninety-nine, granting to the inhabitants of the county of Halifax the privilege of separate elections.

#### CHAP. CXV.

*An Act to grant to the inhabitants of the East End of Carteret County, a separate General Muster.*

*WHEREAS* it is made appear to this General Assembly, that the great distance by water to the court-house makes it difficult and dangerous for them to comply with their duty: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for all the inhabitants of the East end of Carteret county, from the Oyster creeks Eastward, to hold a separate general or battalion muster, in that end of the county; and Allen Roberson, Esquire, Captain Joseph Nelson, and Captain Samuel Smith, are thereby appointed Commissioners to fix on a convenient place for that purpose, and when so fixed, that the Colonel or commanding officer of the county, shall order their general or battalion muster at that place, and cause one of the field officers to attend such muster, and there to hold a court-martial, and make due returns to the court-martial, held at the court-house in the town of Beaufort; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CXVI.

*An Act granting a separate Election in the county of Rockingham.*

*WHEREAS* it appears to this General Assembly, that many citizens of the county of Rockingham labour under inconveniences by attending at the court-house of the said county at public times: For remedy whereof,



*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the Sheriff of the county of Rockingham; by himself or his deputy, on the day preceding the election to be opened and held at the court-house in August next, and in each year thereafter, at such place as shall be appointed and agreed on by the Commissioners hereafter named; and the said election shall be held and kept open until sun-set of the said day, when the ballots or tickets taken and received thereat, shall be sealed up in the presence of the Inspectors, and safely conveyed to the court-house of said county, where they shall be broken open in the presence of the Inspectors of the election held at the court-house, and counted out with the ballots which are there received. And the said separate election shall be conducted under the same rules, regulations and restrictions as are established by law for other elections in this State.

*II. And be it further enacted,* That it shall and may be lawful for the Sheriff, or his deputy, superintending any election to be held by virtue of this act, or when a Representative to Congress, and an Elector to vote for a President and Vice-President, are to be elected for the division which includes said county of Rockingham, the same shall be opened and held at the place so appointed for the separate election on the day immediately preceding the day on which such election shall be held at the court-house, except such day should happen on Sunday, then and in that case it shall be held on the Saturday before; to superintend said election for a Representative or Elector, and in all respects to observe and pursue the same mode in opening, conducting and transacting the votes so taken, to the court-house of said county, as he is directed to observe and pursue by this act in the elections of Members of the General Assembly, and agreeably to the laws provided for the election of Members to Congress; and the Inspectors of the said separate election, shall be appointed as heretofore prescribed by law for the appointment of Inspectors of elections, any thing to the contrary notwithstanding.

*III. And be it further enacted,* That if any person shall vote at one of the said elections in the said county, having previously voted at the other; he so offending shall be subject to the penalty of five pounds, to be recovered before any Justice of the Peace in said county: *Provided nevertheless,* that nothing herein contained shall be construed to prevent any person from voting at either of the places of election, who shall not have previously voted at the other, and who may be legally entitled thereto.

*IV. And be it further enacted,* That the one half of the penalty so inflicted, shall be appropriated to the use and benefit of the poor of the said county, the other half to the person who shall sue for the same.

*V. And be it further enacted,* That James Hunter, Robert Galloway, Joshua Smith, Henry Scales and John C. Cox, Esquires, be and they are hereby appointed Commissioners to fix on a proper place for holding the said separate election; and the place so fixed on by them, or a majority of them, shall be considered, held and deemed to be the place for holding the separate elections in the county of Rockingham; any law to the contrary notwithstanding.

#### CHAP. CXVII.

An Act to amend the law fixing the days of holding the elections in the county of Edgecomb.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter the elections for the said county of Edgecomb, to elect Representatives for said county in the General Assembly, and for electing Representatives to Congress, and Electors of the President and Vice-President of the United States, shall be held at the following places, and on the following days, to wit: On Wednesday preceding the second Thursday in August, at the house of the widow Phillips; on the second Thursday in August, at the house of Joseph Pinder, Esquire; and on the Friday succeeding such second Thursday, at the court-house in the town of Tarboro; under such rules and regulations as have been heretofore established for regulating the elections in said county.

#### CHAP. CXVIII.

An Act to compel the Clerk of Granville County Court, to keep his office at or within two miles of the court-house.

WHEREAS the inhabitants of said county, and others transacting business with said office, experience much inconvenience on account of the great distance at which it is kept from the court-house:

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the last day of April next, the Clerk of the county court of Granville, shall, by himself or deputy lawfully appointed, keep his office at or within two miles of the court-house in said county: On failure so to do, he shall be deemed guilty of a misdemeanor in office; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CXIX.

An Act to compel the Clerk of Rockingham County Court to keep his office at the court-house, or within two miles thereof.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of June next, the Clerk of the county court of Rockingham, shall, either by himself or his deputy lawfully appointed, keep his office at the court-house in said county, or within two miles thereof, under the penalty of five hundred pounds, to be recovered by action of debt in the name of the Chairman of said court, and applied to the use and benefit of said county; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CXX.

An Act to compel the Clerk of the County Court of Albe to keep his office at the court-house, or within three miles thereof.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of August next, the Clerk of the county court of Albe, shall, either by himself or his lawful deputy, keep his office at the court-house in said county, or within three miles thereof, under the penalty of two hundred pounds, to be recovered by action of debt in the name of the Chairman of said court, and applied to the use and benefit of said county; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CXXI.

An Act to compel the Clerk and Register of the county of Tyrrell to hold their offices within said county.

WHEREAS an act has been passed at this session of the General Assembly, for altering and re-dividing the county of Tyrrell, and the dividing line, when run, will leave the offices of the said Clerk and Register in the county of Washington: For remedy whereof;



*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the present Clerk and Register of the county aforesaid, shall remove themselves, with their respective offices, into said county, within three months after the passing of this act; and on default thereof, the said offices shall be and are hereby declared to be vacant, and the court of the said county shall and may proceed to the appointment of some other persons to fill the said offices, under the same regulations heretofore established by law.

II. *And be it further enacted by the authority aforesaid,* That if the county court of Tyrrell, so as aforesaid be obliged to proceed to the appointment of another Clerk and Register, or either of them, the said Clerk or Register so appointed, shall and may demand of either of the present officers before mentioned, all the records of whatever nature they may be belonging to said offices; and on his or their refusal to deliver up the same, he or they shall forfeit and pay the sum of five hundred pounds each, one half to the use of the county, the other half to the use of him or them who shall sue for the same: *Provided,* that nothing herein contained, shall be so construed as to deprive the present Clerk and Register of his or their office or offices, if they should comply with the requisitions contained in the first section of this act.

## CHAP. CXXII.

An Act to empower William Goodman, late Sheriff of Lenoir county, to collect the arrearages of taxes due him in said county for the year one thousand seven hundred and ninety-nine.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Goodman, late Sheriff of the county of Lenoir, be and he is hereby authorized and empowered to collect, for and during the term of one year from and after the passing of this act, all arrearages of taxes due him in said county for the year one thousand seven hundred and ninety-nine; and for the purpose of such collection, shall be vested with the same power and authority as the several Sheriffs of this State are now empowered by law: *Provided,* that he is not entitled by this act to collect the taxes aforesaid from executors or administrators, or any person making affidavit that he has heretofore paid the same.

## CHAP. CXXIII.

An Act for the relief of Andrew Murdock, late Sheriff of Orange county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Andrew Murdock, Sheriff of Orange county, for the year seventeen hundred and ninety-seven, be and he is hereby authorized and empowered to collect the arrearages of taxes due him from the inhabitants of said county for the year aforesaid: *Provided,* that nothing in this act contained shall empower the said Andrew to collect any taxes from the estate of any deceased person, or from any person removed out of the county, or from such persons as will make affidavit in writing that the tax which shall be attempted to be collected has been paid: That this act shall be in force for one year and no longer.

II. *And be it further enacted,* That if any person shall swear falsely to evade the payment of the aforesaid tax, he or she shall be deemed guilty of perjury, and on conviction thereof shall suffer accordingly.

## CHAP. CXXIV.

An Act to authorize the Administrators of Malcolm M'Neill, Esquire, late Sheriff of Moore county, deceased, to finish the collection of public and other taxes of the said county, for the years 1798 and 1799.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the administrators of the said Malcolm M'Neill, Esquire, late Sheriff as aforesaid, from and after the passing of this act, shall have, and they are hereby declared to have, full power and authority, by themselves or such deputy or deputies as they shall for that purpose appoint, to collect and distrain for all arrears of taxes in the county of Moore, for the years 1798 and 1799, in the same manner that the said Malcolm M'Neill might or could have done for the same, in case he had lived and continued in the exercise of his office as Sheriff of Moore county aforesaid; and the receipts given by the said administrators collectively, or deputy or deputies by them appointed, shall be good and valid, and shall operate as discharges in full in favour of the persons to whom they may be given.

II. *And be it further enacted by the authority aforesaid,* That when any person shall be called on for his or her taxes under the authority of this act, and shall alledge that the same has been previously paid to the said M'Neill, or his deputy, and shall support such allegation by his or her own oath, or other sufficient testimony, it shall not be lawful for the said administrators, or their deputy, to enforce the payment thereof.

III. *And be it further enacted by the authority aforesaid,* That where any person has died or removed out of said county since the said taxes have become due, it shall not be lawful for the said administrators, or their deputy, to enforce the payment of the taxes from the executors or administrators of such deceased person, or from the property of the person so removed.

IV. *And be it further enacted,* That this act shall take effect from the ratification thereof, and continue in force for the term of twelve months and no longer; any thing to the contrary notwithstanding.

## CXXV.

An Act to authorize David Dickey to collect the arrearages of taxes due him as Treasurer for the county of Rutherford.

\*WHEREAS the General Assembly, at their session in the year one thousand seven hundred and ninety-two, passed an act authorizing the county court of Rutherford to appoint collectors in each captain's company, for the collection of the county taxes, as also a treasurer with whom they were to account for the same; but having failed so to do,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same* That David Dickey be, and he is hereby authorized and empowered to collect from the different collectors appointed under the before-recited act, all the arrearages of taxes or sums of money due him as Treasurer of the county of Rutherford, for the years one thousand seven hundred and ninety-three, and one thousand seven hundred and ninety-four, in as full and ample a manner, and under the same rules and regulations as are observed by the respective Sheriffs in this State when authorized by act of Assembly to collect the arrearages of taxes due them, as also from the individuals who may have failed to pay to the different collectors as aforesaid: *Provided nevertheless,* that any person who will make oath that he, she or they have paid the same, shall be exonerated from the payment thereof; any law to the contrary notwithstanding.



## CHAP. CXXXVI.

1801 An Act to empower the securities of James Bonner, late Sheriff of Beaufort county, to collect arrearages of taxes.

WHEREAS it is represented to this General Assembly, that James Bonner, late Sheriff of Beaufort county, is dead, and that a considerable part of the public taxes due therein, is due to him:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the securities of the said James Bonner, late of Beaufort county, be, and they are hereby authorized and empowered to proceed to collect all taxes due from the inhabitants and others from the said county, for the years one thousand seven hundred and ninety-nine, and one thousand eight hundred, for which the said James Bonner is liable, in as full and ample a manner, and under the same rules, regulations and restrictions as the said James was ever possessed of, or bound to perform: Provided, that when any person shall be called on for his or her taxes under the authority of this act, and shall alledge that the same has been previously paid, and shall support such allegation by his or her own oath, or other sufficient testimony, it shall not be lawful for the said securities to enforce the payment thereof.

## CHAP. CXXXVII.

An Act to empower Abijah Bell, late Sheriff of Carteret county, to collect the arrearages of taxes due him.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that Abijah Bell, late Sheriff of Carteret county, shall be empowered to collect the just taxes due him for the years one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine, by the same rules and under the same restrictions as other Sheriffs for arrears of taxes in this State; any law, usage or custom to the contrary, notwithstanding.

## CHAP. CXXXVIII.

An Act to prevent the fatal effects of the Murrain Distemper among Cattle, so far as relates to the county of Granville.

WHEREAS many of the inhabitants of Granville county experience great losses in cattle destroyed by the murrain distemper, which cannot be suppressed by the laws heretofore made: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, That from and after the first day of May next, every person on whose land any cow, bull, steer, heifer or calf shall die of said distemper, is hereby required to bury the same, at least two feet beneath the surface of the earth, or consume it by fire, reserving no part thereof, unless the owner of the beast so dying, shall in one day after he is apprised thereof, take off and put in lime the hide of said animal; which hide is not to be removed from his or her plantation, until the same is tanned, under the penalty of five pounds for every neglect or violation of this provision, recoverable before any justice of the peace in said county; one half to the informer, the other half to the poor of the county.

II. And be it further enacted, That every person owning a flock of cattle, infested with said disease, is hereby required to confine any of his cattle taken sick of it in some strong and safe inclosure, so as to prevent any communication with other cattle, under the penalty of five pounds, recoverable, and to be disposed of as above recited.

III. And be it further enacted, That no person on any pretence whatever, shall remove any cow kine out of a flock which have had the distemper in one year previous thereto, from his or her plantation where they were accustomed to range: Provided nevertheless, That this regulation shall not prevent any person from using work-steers as he or they may think proper, any time before the first day of June, and after the first day of November, under the penalty of five pounds for each and every cow kine, removed contrary to this provision, recoverable, and to be applied in the manner above pointed out.

IV. And be it further enacted, That it shall be the duty of the justices of the peace in the said county to enforce the execution of this act, in the several districts in which they reside; and upon information given by others, or upon his or their own knowledge of any violation of this act, he or they are hereby required and enjoined to issue a warrant to any lawful officer, and have the person so offending brought before him or them, for the purpose of inflicting the fines and penalties aforesaid.

## CHAP. CXXXIX.

An Act to amend an act passed at Newbern in the year one thousand seven hundred and seventy-seven, entitled "An act declaring what fences are sufficient, and to provide a remedy for abuse."

WHEREAS doubts have arisen in the minds of a number of this State, who live on the banks of Deep river, whether said river should be deemed a sufficient fence, and thereby occasioned perpetual strifes and discontent; and it is well known that said river from its junction with Haw river to its source, is scarcely more than sixty or eighty yards wide at any place, and is frequently so low in the summer and fall seasons, as to render it no obstacle to the passage of hogs and other stock: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the above-mentioned Deep river shall not be considered as a sufficient fence in any instance or case whatsoever; any law, usage or custom to the contrary notwithstanding.

## CHAP. CXXX.

An Act to appoint and empower Commissioners to contract with Philip Hoodenpyle and Job Barnard, for certain improvements on the Warm Spring Road.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, David Vance, Joseph Reece, Alexander Ramsay, Samuel Murray, senior, William Britain, Jacob Beylor, junior, Samuel Chunn, John Weaver, John Dillard, Thomas Love, Zebulon Beard, Joshua Williams and Spencer Reece, are hereby appointed Commissioners, or a majority of them, to view certain improvements proposed to be made by Philip Hoodenpyle and Job Barnard, beginning between William Hunter and Big Ivey, and what further amendments may be necessary to be made and done on the road leading from Ivey, past William Neilson's, in Buncombe county; and from thence on both sides of French Broad river to the State's line; and on their judging said amendments to be of public utility, then the said Commissioners, or a majority of them, shall proceed to contract and agree to and with the aforesaid Philip Hoodenpyle and Job Barnard, and allow them such a length of time as they, or a majority of them may think proper, not exceeding eight years, to grant to the said Philip and Job over and above the nine years already granted to



them by an act of Assembly, passed in the year one thousand seven hundred and ninety-nine, fully to compensate them for their labour in improving the road. 1801

II. *And be it further enacted*, That in case the said Philip and Job, or their successors, shall not complete the improvements agreed upon by them and the Commissioners, or a majority of them, then in that case the said Philip and Job shall lose their labour; notwithstanding a majority of the surviving Commissioners shall have full power and authority to allow them further length of time for what labour and expence they have, or may have been at in improving the road. And in case of death or refusal to act, then the majority of the surviving Commissioners shall have full power and authority to appoint such other persons as they shall think proper, to act in the place of such persons refusing or being unable to act.

III. *And be it further enacted*, That the aforesaid Commissioners, or a majority of them, shall make report of their proceedings unto a majority of the acting Justices of the county court of Buncombe, who shall direct the same to be entered on record.

IV. *And be it further enacted*, That Philip and Job, or their heirs, when having completed their contract and fulfilled the same to the satisfaction of the Commissioners, or a majority of them, shall be entitled to keep up their gates to receive their tolls; which tolls shall be rated as follows: a man and horse, or pack-horse, twelve and a half cents; a single horse, six and a quarter cents; cattle each head, two cents; hogs and sheep, one cent; a four wheel carriage, one dollar; a two wheel carriage, half a dollar; the above sum to be paid by those who travel the whole road, half the above toll for those who travel no further than the Warm Springs. Any person or persons at any time forcibly breaking through, or breaking round to avoid payment, shall forfeit the sum of twenty shillings, recoverable before any Justice of said county, to the use of said owners; any person or persons cutting or falling of timber or brush, to stop the road, or putting any nuisance into the road, or cutting paths or ways round their gates, leading the same into their roads, as might cause the same to be to the damage of the overseers of the road, shall forfeit the sum of ten pounds, recoverable before any Justice of the Peace, and applied as above mentioned.

V. *And be it further enacted*, That Philip and Job, or their successors, shall be under the rules and regulations of a majority of the acting Justices of the county court, to keep their roads in good repair.

#### CHAP. CXXXI.

An Act to repeal part of the second section of an act passed at the last session, entitled "An Act to authorise Cary Pritchard, of Montgomery county, to establish a Ferry."

WHEREAS so much of the above recited act as obliges Cary Pritchard, of said county, to keep a free ferry on all public days, has been discovered not to be advantageous to the citizens at large, but of considerable inconvenience to the proprietor:

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, so much of the above recited act as obliges Cary Pritchard to keep a free ferry on all public days at his own expence, be repealed and made void, and deemed of no effect; and that he be entitled to the same benefits and privileges, and under the same directions and restrictions as the ferry established at the same place, agreeably to an act passed for that purpose in the year one thousand seven hundred and ninety-six, for establishing a ferry in the county of Montgomery at the court-house; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CXXXII.

An Act to authorise George Keiser, of the county of Cabarrus, to extend a mill-dam across Rocky River.

WHEREAS it is represented to this General Assembly, that allowing George Keiser to extend a mill-dam across Rocky River, would be attended with great advantages to the inhabitants of that county:

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the said George Keiser, his heirs or assigns, shall have full power and authority to erect a mill-dam, and extend the same quite across Rocky River, any where on his own lands.

II. *And be it further enacted*, That the said George Keiser shall keep open in his said mill-dam, a gate or gates for the free passage of fish up said river, in such manner, and for such length of time in each and every year, as the county court of Cabarrus shall or may direct: *Provided nevertheless*, the said George shall not debar any citizen from fishing at or below said dam, under the penalty of ten pounds for every offence, to be recovered before a Justice of the Peace; which sum, when recovered, shall go to the sole use of the county, any law to the contrary notwithstanding.

#### CHAP. CXXXIII.

An Act to repeal an Act passed last session, entitled "An Act for the relief of Henry Starr, of Tyrrell county."

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the before recited act, and every part and clause thereof, be and the same is hereby repealed and made void.

II. *And be it further enacted by the authority aforesaid*, That Margaret Starr, wife of the said Henry Starr, shall be entitled to dower, and otherwise inherit all and every species of property, which she would have been entitled to by law, as though the before recited act had never been passed; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CXXXIV.

An Act to alter the names of the persons therein mentioned, and to legitimate them.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the names of James Batts, Nathan Batts, Sarah Batts, Hester Batts and Mary Batts, of Duplin county, be altered and changed to that of James Williams, Nathan Williams, Sarah Williams, Hester Williams and Mary Williams; the name of Jonas Beneigh, son of Benjamin Anthony, of Lincoln county, be altered to the name of Jonas Anthony; the name of Catharine Downer and Hinson Downer, natural born children of Charles Hinson, of Anson county, be altered to the name of Catharine Hinson and Hinson Downer Hinson; the names of Drury, Elizabeth and James Juddkins, children of James Hodges, of Beaufort county, be altered to the names of Drury Hodges, Elizabeth Hodges, and James Hodges; the name of George Alexander Williamson Jones, of Halifax county, be altered to that of George Williamson; the name of Rosanna Qualls, to that of Rosanna Conner; the name of Miranda Alcock, to that of Miranda Liverman; the name of John Johnston, to that of John Foster; the names of Selecta German and Cynthia German, to the names of Selecta Clayton and Cynthia Clayton; the names of Gabriel, Patrick, Tracy, Nancy and Unity Grantham, to the



names of Gabriel Merritt, Patrick Merritt, Tracy Merritt, Nancy Merritt, and Unity Merritt; the name of Simon Mewbern, to that of Simon Hobbs; the names of James Moore, Margaret Moore and Anne Moore, be altered to the names of James Pugh, Margaret Pugh and Ann Pugh; the name of David Larey, of Lenoir county, be altered to that of David George; the name of Sterling Allen, be altered to that of Sterling Tyson; the names of William, Daniel, Thomas Hugh and Abigail Ledford, children of Daniel Delap, of Rowan county, be altered to the names of William Delap, Daniel Delap, Thomas Delap, Hugh Delap, and Abigail Delap; and the name of Grovesnor Goffet, be altered to that of Grovesnor Green.

II. *And be it further enacted*, That the aforesaid persons shall be called and known by the names as above altered, and by such names respectively shall be able to sue and be sued, plead and be impleaded, in any court of law or equity; and shall possess and enjoy the same privileges as if they had borne the names as above altered from their nativity.

III. *And be it further enacted*, That the persons described in the first section of this act, shall for ever hereafter be legitimated, and made capable to possess, inherit and enjoy, by descent or otherwise, any estate, real or personal, to all intents and purposes as if they had been born in lawful wedlock.

#### CHAP. CXXXV.

An Act to amend an Act, entitled "An Act to secure to certain persons therein mentioned such property as they may hereafter acquire," passed the last General Assembly, so far as respects Dinah Sawyer, wife of Willis Sawyer, of Camden county.

WHEREAS doubts have arisen whether the said Dinah Sawyer would not be entitled to dower, or a distributive share of the estate of Willis Sawyer, her husband, in case she should be the longest liver; and the said Willis and Dinah having petitioned this General Assembly to that effect:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said Willis Sawyer shall not be answerable for any debt hereafter contracted by the said Dinah, his wife; nor shall the said Dinah Sawyer have any right or title of dower or otherwise, in any estate of the said Willis Sawyer, which he now possesses or may hereafter acquire: *Provided*, that nothing in this act shall be construed so as to prevent any creditor or creditors from recovering his or their debts or contracts made or entered into previous to the passage of this act, in the same manner as though this law had never been passed.

#### CHAP. CXXXVI.

An Act to confirm the name of Willis Watson, of the county of Johnston.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the name of Willis Watson, of Johnston county, shall be confirmed, and by the name of Willis Watson, he may sue and be sued, plead and be impleaded, acquire property, either by descent or purchase, and in all things whatsoever be in the same situation as if he had been born in lawful wedlock; and all conveyances heretofore made to or by the said Willis Watson by that name, are hereby declared to be valid, any law to the contrary notwithstanding.

#### CHAP. CXXXVII.

An Act to alter the names of the persons therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the names of James Vaughan, Oroondates Floyd and James James, of Person county, be altered to that of James Martin; and John Smith, of Johnston county, be altered to that of John Allen Smith; and the name of William Bryan, of the last mentioned county, to that of William Washington Bryan; and the name of Benjamin Land, be altered; and for ever the said James Vaughan shall be called and known by the name of James Thomas Vaughan, the said Oroondates Floyd shall be called and known by Oroondates Drake, and the said Benjamin Land shall be called and known by the name of Benjamin Deberry, and the said James James shall be called and known by the name of James Martin, and John Smith be called by the name of John Allen Smith, and the said William Bryan shall be called and known by the name of William Washington Bryan; and by these names, so altered respectively, they shall possess and enjoy all such privileges as they or either of them could be entitled, had they been so called from their nativity.

#### CHAP. CXXXVIII.

An Act to pardon and restore to credit Sherrod Barrow, of the county of Greene.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, Sherrod Barrow, of the county of Greene, shall be pardoned and restored to credit in as full and ample a manner, as if he had never been convicted of any crime of what kind or nature soever; and that he shall be a competent witness to depose and testify, in all cases, and in every court of record where the same may be necessary, in as full and ample a manner as though he had never sustained any injury from any conviction of crimes, any thing to the contrary notwithstanding.

*Read three times, and ratified in General Assembly,*  
the 19th day of December, A. D. 1801.

J. RIDDICK, Speaker of the Senate.  
S. CABARRUS, Speaker H. Commons.

Copy, WILL. WHITE, Secretary.

Raleigh:

PRINTED BY JOSEPH GALES,

Printer to the State.



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